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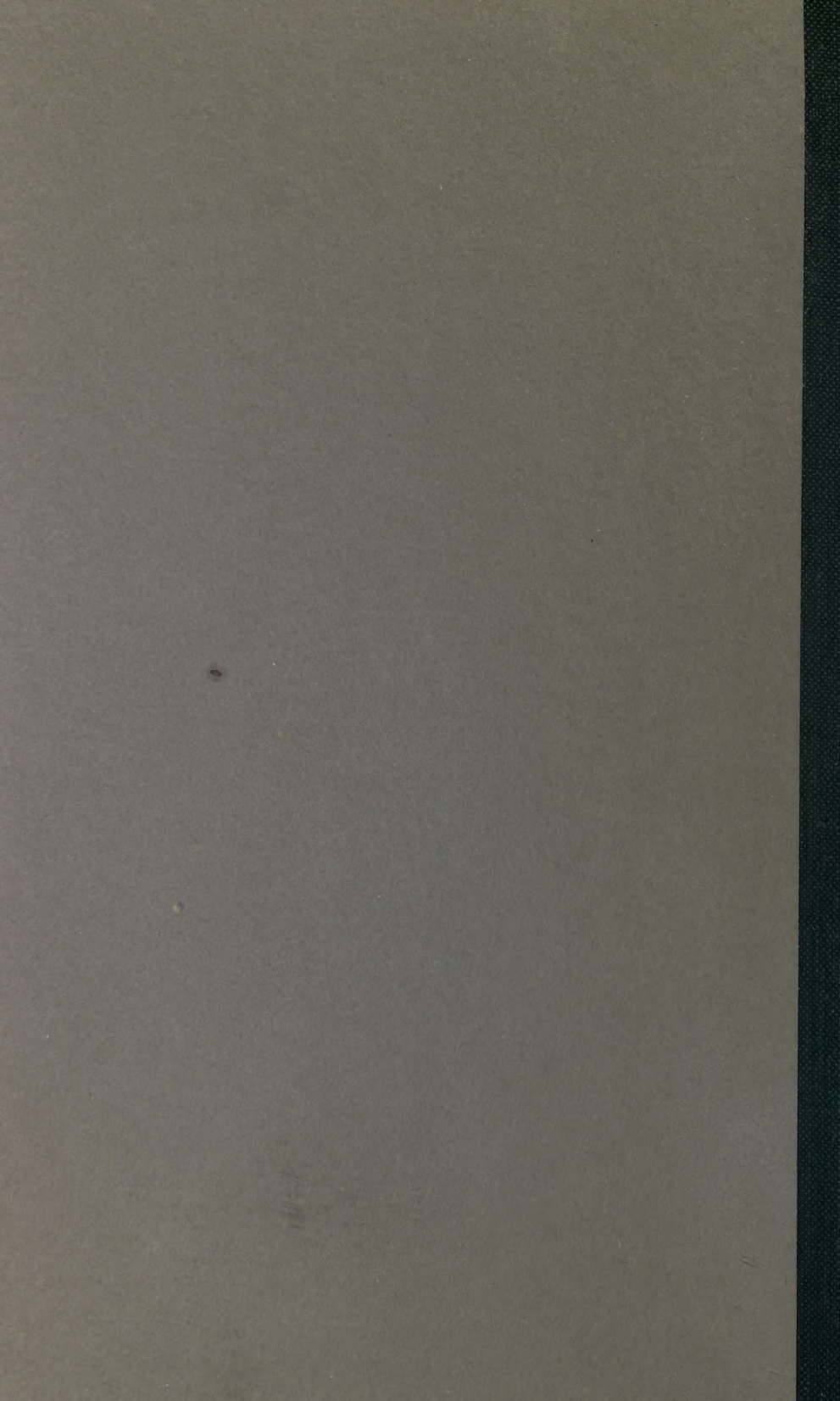
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# Smith College Studies in History

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY

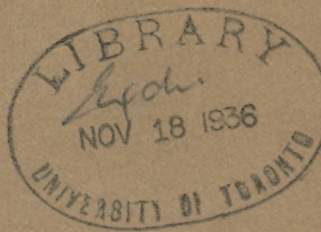
*Editors*

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THE HAYES-CONKLING CONTROVERSY  
1877-1879

By VENILA LOVINA SHORES, M. A.

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NORTHAMPTON, MASS.

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JOHN SPENCER BASSETT  
SIDNEY BRADSHAW FAY

EDITORS

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## THE HAYES-CONKLING CONTROVERSY 1877-1879

A Dissertation Submitted in Part Fulfilment of the Requirements for the Degree of Master of Arts in  
Smith College, June, 1918

*By* VENILA LOVINA SHORES, M. A.

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# The Hayes-Conkling Controversy 1877-1879

## CHAPTER I

### THE ORIGIN OF THE CONTROVERSY

The origin of the dislike, which approached hatred, of Roscoe Conkling, senator from New York, for Rutherford B. Hayes, president of the United States, may be traced to the National Republican Party Convention at Cincinnati, Ohio, June 14, 1876. Roscoe Conkling or James G. Blaine was the most natural choice as party nominee for the presidency. There were, however, five other candidates:—Marshall Jewell, of Connecticut; Oliver P. Morton, of Indiana; Benjamin H. Bristow, of Kentucky; Rutherford B. Hayes, of Ohio, and John F. Hantraft, of Pennsylvania. Each of the seven aspirants was supported by an energetic group of friends. In the weeks preceding the convention the rivalry grew steadily stronger and with this growth developed greater hostility between the opposing groups. When the delegates finally came to make the nomination, Hayes gained votes throughout the first six ballots, and at the end of the seventh and last, the vote stood: Hayes 384, Blaine 351, Bristow 21, Conkling's supporters having gone to Hayes in order to defeat Blaine. The delegates had centered on Hayes largely because the "most that could be said of him, was that he was negatively honest."<sup>1</sup> To all the groups who realized that their favorites could not secure the nomination, he seemed the best "peace offering" obtainable; for there were many irreconcilable rivalries among the other candidates.

It is not strange that Senator Conkling was chagrined at his loss of the presidential nomination to Governor Hayes, who had not identified himself with the leaders of the Republican party. Conkling on the other hand, was the undisputed leader and champion of the party in New York, and he had won distinction by his support of President Grant's administration.

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<sup>1</sup> *North American Review*, 126:282.



The elaborate quarters occupied and the plans made by Conkling's supporters might have added to the discomfort of New York's favorite son. "The friends of Conkling at Cincinnati occupied an entire hotel, distributed with lavishness the handsome State badge of blue, entertained their visitors with a great orchestra, paraded in light silk hats, and swung across the street an immense banner asserting that 'Roscoe Conkling's nomination assures the thirty-five electoral votes of New York.' These headquarters were in marked contrast to the modest rooms of the other States having favorite sons. No Blaine flag appeared, and only an oil portrait of Hayes adorned the Ohio parlors. A Philadelphia delegate, after surveying the Grand Hotel and the marchers, ironically remarked that 'it was a mystery to him where the custom-house got bail for all those fellows.'"<sup>2</sup>

Senator Conkling gracefully withdrew from this contest, and but for illness, would have done much, in all probability, during the campaign, to secure for the party an uncontested title for their candidate in the executive office of the nation. He made only one speech during the campaign—at Utica, on October 3, 1876. From *Harper's Weekly*<sup>3</sup> we learn that in this speech he carefully refrained from mentioning the names of the republican candidates although one was from his own State. Mr. Curtis said: "This is a fact without precedent in our political history and it is especially ungracious from the defeated candidate for the nomination."

Although the story of the "Contested Election of 1876" is well known to all students of history, a brief review of the chief events is essential here. The candidates of the democratic party, for the offices of president and vice-president were Samuel J. Tilden, of New York, and Thomas A. Hendricks, of Indiana, respectively; opposed to them, the republican candidates were Rutherford B. Hayes, of Ohio, and William A. Wheeler, of New York. It was evident from the first that the election would be close. The democratic majorities seemed to sweep the country.

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<sup>2</sup> Alexander, D. S., *Pol. Hist. of N. Y.*, III, 333.

<sup>3</sup> XXIII, 102.



Since dual governments existed in Louisiana, Florida, and South Carolina, two sets of electoral returns were sent from those states to the electoral college. If the republican electors were recognized, Hayes would have a majority of one; but on the other hand, if a democratic elector should obtain a vote from a single one of those States, the election would go to Tilden. The constitution made no provision for any such complication. The house of representatives was democratic, and the senate was republican; thus it was impossible that the two houses should agree with reference to the nice question that would arise in counting the votes of the States from which there were double returns. In January, 1877, an electoral commission was created by congress, to consist of five members chosen from the house of representatives, five members chosen from the senate, and five justices of the supreme court. Unhappily, every vote of the commission was cast on partisan lines. It contained eight republican and seven democratic members, and in every case the disputed questions were decided in favor of the republicans by a vote of eight to seven. Not until the second day of March was the counting finished and the result officially determined, in a joint session of the houses. "The feeling was universal that, leaving aside all questions of fraud in the elections, the whole affair threw profound discredit on those concerned."<sup>4</sup>

Senator Conkling was one of the joint committee to arrange the method of settling the contested election, and he strongly favored the electoral commission—doubtless as a party measure. The *Nation*<sup>5</sup> was confident that, "Mr. Hayes reached the presidency, not through what the republican chiefs did for him, but through the refusal of the commission to look into it."

Very early in his administration, President Hayes adopted the principle: "He serves his party best who serves his country best." In pursuit of this policy he chose his own cabinet

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<sup>4</sup> Wilson, Woodrow, *Division and Reunion*, 286.

<sup>5</sup> Mar. 15, 1877: 156.

officers,<sup>6</sup>—some members even before his election,—and thus he proceeded without the dictation of the party leaders. This action aroused more dislike than had previously existed, from some of the prominent men of the republican party, such as Blaine and Conkling. Some time before Governor Hayes took the oath of office, Senator Conkling suggested Thomas Collier Platt, an active young politician of New York and one of the senator's most ardent supporters, for postmaster-general; but the suggestion was "contemptuously declined," as Mr. Platt tells us.

The confirmation of President Hayes' nominations for cabinet officers was his first victory over the old spirit of party dictation. Mr. Burgess says, thirty-eight years after the confirmation of the Hayes' cabinet, that they were, "the strongest body of men, each best fitted for the place assigned to him, that ever sat around the council table of a president of the United States."<sup>7</sup> But to the public of 1877, these men seemed of a very doubtful quality. Sherman was the only member generally approved. There was little opposition to Devens, McCrary, or Thompson, but they were not well known, and so their fitness for such positions was doubted. Probably no one member of the cabinet was so distasteful to the republican party politicians as the secretary of state, William Maxwell Evarts, a leader of the reform element in New York and an independent republican. The doubt as to the advisability of the choice of Carl Schurz, like that of Mr. Evarts, came largely from the party politicians. He had not been sufficiently stable in his party affiliations, he had been too active a supporter of reform movements, and besides he had criticized the former president and his closest and strongest supporters. General Key was a Southerner, a former officer in the Confederate army, and worse than all else, he had been a life-long democrat.

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<sup>6</sup> Members of Hayes' cabinet: Wm. Evarts, Sec. of State; Carl Schurz, Sec. of Interior; John Sherman, Sec. of Treasury; Geo. W. McCrary, Sec. of War; Richard W. Thompson, Sec. of Navy; Chas. Devens, Atty.-Gen.; David M. Key, Postmaster-Gen.

<sup>7</sup> Burgess, John W., *Administration of President Hayes*, 65.



Senator Conkling felt the slight of the cabinet nominations more keenly than any of the other leaders; for he had not recovered from his defeat at Cincinnati. Governor Hayes' diary<sup>8</sup> of December 17, 1876, gives us another reason why Mr. Conkling should have felt chagrined at the outcome of the president's choice of advisers:

"Yesterday," he writes, "Colonel Albert D. Shaw, Consul at Toronto, came from Washington to talk with me about affairs there, and my purposes as to persons and policies. He is a friend of Senator Conkling, . . . . He talked forcibly and with much feeling. He fears that the apprehension that I am in the hands of the reform element of the republican party will lose me in the senate the friendship and support of enough senators in the approaching struggle in the senate to change the result of the presidential election, and bring in Mr. Tilden. Mr. Conkling has been committed against our present views on some of the legal questions now before the country—notably, as I infer, on the right of the senate and house to pass on the returns of the electoral college . . . . He showed the reason why Mr. Conkling took no active part in the canvass, that his health was broken, and his eyes required that he should remain in a dark room. . . . He urged the appointment of Conkling (or rather of his being offered the appointment), as Secretary of State."

Probably the interview was not held or the suggestion made without the knowledge of the New York senator.

It has been asserted that when President Hayes came into office his worst foes were in his own party. The republicans were divided into two factions, one led by Blaine, of Maine, and the other by Conkling, of New York, and Cameron, of Pennsylvania. During the special session of the senate in the spring of 1877, Blaine was induced to make an attack on the president's proposed Southern policy. The event which gave him the opportunity for this attack was the question of seating William Pitt Kellogg as senator from Louisiana.

As a result of the dual governments existing in Louisiana, not only double returns were made to the electoral college, but a senator was chosen by each government. Judge Henry Martyn Spofford received credentials from the democratic legislature, signed by Governor Nichols; and ex-Governor Kellogg presented credentials from the republican legislature and signed

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<sup>8</sup> Williams, Chas. R., *Rutherford Birchard Hayes*, I, 514-5.

by Governor Packard. The question before the senate, therefore, was similar to that which confronted the electoral commission. Which of these two men was lawfully elected, and so entitled to represent Louisiana? Back of both problems lay the question of the rightful government in the State.

Blaine seems to have hoped to force Hayes to retreat from his proposed plan of withdrawing the troops from Louisiana, if he could hasten the senate in making a decision against Kellogg. The position taken by the senator from Maine seemed rather inconsistent,—even remembering that he was disappointed at Cincinnati, and again in the formation of the president's cabinet,—for when he was an aspirant for the presidency he is said to have formulated a plan for securing harmony in the South, practically identical with that pursued by President Hayes. In talking with James A. Garfield just after the report of the electoral count had been made, Blaine said, "that he thought it was time to discontinue maintaining republican state governments in office by the national power and that the people of the Southern States must settle their State elections for themselves." It is also interesting to know that "President Grant, before he left office, had determined to do with regard to these State governments exactly what Hayes afterward did, and that Hayes acted with his full approval."<sup>9</sup> During this contest Senator Conkling opposed Senator Blaine, thus, of course, defending the president in the position he had taken. Probably the New York senator was not so much interested in the defense of the president and his policy as in keeping the control of the senate in the hands of the republican party machine.

Senator Blaine was not successful in checking the president's policy of reconciliation of the South. The first action taken by President Hayes, in pursuit of this plan, was the withdrawal of the federal troops from the State capitals, the immediate result of which was to supersede the republican governments by the democratic officers. Thus power was restored to the majority of the white population, who had been the leaders in the South

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<sup>9</sup> Hoar, G. F., *Autobiography of Seventy Years*, II, 12.



before the war. The republican party rose in a storm of protest and the president was criticized on all sides. The criticism turned, chiefly, on the relative claim to office of President Hayes and the republican governors of Louisiana and South Carolina. Their complaints and threatenings were of no avail, however, for the executive order was not changed.

The next fuel added to the smouldering fire of Conkling's disappointment, was the appointment of the commissions, in the early summer of 1877, by John Sherman, the secretary of the treasury, to investigate the various custom-houses of the country. The commission of most interest in this study was the one under the leadership of John Jay, to investigate the conditions of the New York custom-house. Six distinct reports were made regarding conditions as they found them, and also making some definite charges. These reports were made May 24, July 4, July 21, August 31, October 31, and November 1. "When this inquiry commenced," said Secretary Sherman, "there was no purpose or desire on the part of the president or anyone to make a change in the officers of the New York custom-house. . . . But it was after the receipt of the report of August 31 that the president, who had carefully read the several reports, announced his desire to make a change in the three leading officers of the New York custom-house."<sup>10</sup> In another way the New York inquiry had a direct bearing on this contest, for as a result of the reports of this commission, President Hayes made the rule (June 22, 1877) that no federal officer should participate in party politics.<sup>11</sup> Alonzo B. Cornell, the naval officer of the port of New York, refused to withdraw from the chairmanship of the New York state republican committee or give up his custom-house position. Thus according to the above mentioned executive order, Mr. Cornell made himself liable to removal from office. None of the national party leaders took an open stand in opposition to the president's civil-service policies during the summer of 1877.

<sup>10</sup> Sherman, John, *Recollections*, 677, 679.

<sup>11</sup> Richardson, James D., *Messages and Papers of the Presidents*, IV, 4402-3.

Senator Conkling sailed for Europe June 16, 1877, on the German Lloyd line steamer *Mosel*, hoping to regain the health which had been seriously impaired by an attack of malaria from which he had suffered in the fall of 1876. It seems quite likely, too, that he hoped to regain some of the self-confidence which had been so injured by the political developments of the first weeks of the new régime. He returned to New York August 10, much improved in health and apparently with a definite course in mind for the punishment of President Hayes. He had not forgotten the injury to his pride at the Cincinnati convention, and he thought that Hayes had opposed the republican party, but especially Roscoe Conkling, in selecting the members of his cabinet, to such an extent that he had appointed Evarts, the arch-enemy of the party, to the highest place in said cabinet. The most intolerable act of this man was his blow at the very foundation on which the party rested,—in New York at least, where the custom-house ruled the State convention.<sup>12</sup>

The return of Senator Conkling was made the occasion for great rejoicing among the New York republicans. The steamer *Neckar* on which he returned, was met down the bay by the *Thomas Collyer*, on which were about forty of his intimate friends,—nearly all from the political world,—a band, and Rans von Volkenburg with a four-pounder brass cannon. Near Governor's Island the *Neckar* and the *Thomas Collyer* were met by two more steamers, the *H. M. Welles* and *Seneca* and a moment later by a flotilla of thirty steam-tugs. The *New York World* commented next morning that, "for the next two miles it seemed

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<sup>12</sup> *Harper's Weekly*, Nov. 10, 1877, 878-c. 4. "In the city of New York, which sends a large proportion of the delegates to every State convention, no republican can vote for delegates, who is not a member of an 'association,' and the associations have been wholly managed by the custom-house and other national officers. . . . The custom-house virtually appointed the delegates in the city and the allies of the custom-house throughout the State did what they could in the same way. In all this the patronage of the custom-house and the other officers was the controlling power, wielded by the honest and efficient official chiefs." *Atlantic Monthly*, 44:196, "Employment in government service there in the custom-house had for ten years been practically conditioned upon fidelity to Senator Conkling and no other qualification."



as if Bedlam were let loose; forty steam-whistles, three cannon, four steamer bells, and two bands can make a good deal of noise when judiciously organized.”<sup>13</sup> After the *Neckar* docked at Hoboken, Senator Conkling went on board the *Thomas Collyer*, thence to 24th Street where he was met by a carriage and taken to the Fifth Avenue Hotel. In the evening the hotel was crowded with the leading republican politicians, “largely a gathering,” says the *World*, “of men who had received favors and appointments during Grant’s administration, the machine-men, and a few personal friends of the Senator.” In numbers and enthusiasm the crowd that assembled at the hotel for his reception was all that Conkling or his friends could wish.

During this eventful day, the Senator made several speeches, but all were very short as compared with those of other occasions. In all his remarks and in his conversations, he was very careful not to mention politics in any phase. The New York *World*<sup>14</sup> in commenting editorially on his arrival said: “When he went away a small and unobtrusive tug accompanied him down the bay. Now that he comes back a flotilla of office-holders swims expectant upon the bosom of the harbor,—and mankind is obliged to wonder.” Senator Conkling very quietly left New York City on the 10:30 a.m. train, August 14. At several of the larger places on the way to Utica, he spoke briefly from his car to the crowds assembled at the station. In Utica he was given a royal welcome and here he made the longest speech delivered during his triumphal journey. But in this as in all the other speeches, political questions were left unmentioned.

The traveler first appeared in a political capacity at the New York State republican convention held in Rochester, September 26, 1877, where the people first learned his attitude toward the administration which had begun in the preceding March. The spirit of this meeting throughout was in opposition to the policies of the national party leader. Alonzo B. Cornell called the session to order. It had been announced that Lyman Tremain was to

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<sup>13</sup> New York *World*, Aug. 11, 1877.

<sup>14</sup> Aug. 11, 1877. 4, c-3.

be the convention's chairman; but this plan was not carried out. Thomas Collier Platt, one of Conkling's followers, was appointed temporary chairman. The *Nation*<sup>15</sup> gives two reasons for this choice: "(1) to show Conkling's full extent of mastery over the delegates there assembled, and (2) Platt was enabled to make a silly and abusive speech directed against the administration." It has been said that this speech had been carefully prepared beforehand and revised by Senator Conkling.<sup>16</sup> The permanent chairmanship went to Platt, at the request of Conkling when he himself refused that honor. It is possible that the senator's motive in refusing the office was to leave himself unhampered to meet any attack which might be made on the "machine." Conkling had good reason to expect such opposition to the party platform, which he had prepared for adoption by the convention, and the presence of George William Curtis made such a thrust all the more likely. Another pre-arranged plan of the party was carried into operation when Senator Conkling was made chairman of the committee on resolutions.

The report of this committee contained no direct reference to the policies of the administration, and made no statement of the attitude of the State party toward the policies being pursued by the national party. There were, however, several indirect references far from complimentary in tone. Mr. George William Curtis,—the editor of *Harper's Weekly* and a strong supporter of the president's policies as a whole, but especially the civil service reform,—offered a substitute resolution for one made by the committee. The resolution expressed full endorsement of Mr. Hayes, his cabinet, policy, and title. Mr. Curtis could hardly have expected his motion to be accepted by the committee, but in offering it he showed his opinion on the subject and put the convention on record. He was at once called upon to explain his motion. The speech made in response to that demand, had not been previously prepared,—according to a statement made by him afterwards; but his words were thoroughly in sympathy with the cause for which he was speaking.

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<sup>15</sup> October 4, 1877, 206.

<sup>16</sup> New York *World*, September 27, 1877.



In reply Conkling addressed the convention. His speech can be better understood if we remember that he had a very great personal dislike for Mr. Curtis, who had been a strong force in causing his defeat in the contest at Cincinnati. This carefully prepared, hour-long, attack on the administration and its supporters contained, in no mild way, a general disapproval of all things being done by them. It embodied a discussion and vehement disavowal of all people and papers who had attacked Conkling personally, and finally closed with a most harsh personal attack on Mr. Curtis.<sup>17</sup> The real substance of the speech in words, was not nearly as forceful as it might have been; but the personality of the man and the sarcastic and sneering manner in which it was given, have had few parallels in American oratory.

The second day of the convention contained no elements to conflict with the "harmony"<sup>18</sup> of the New York political family, under the guidance of its efficient leaders, due probably to the fact that both Mr. Curtis and Mr. Conkling were present only a few minutes on that day.

So far as enlightening the country was concerned, it was not necessary to have any further disclosure of the "New York machine's" attitude; for the speeches of the first day of the convention were entirely sufficient to show its position clearly. The whole country expressed the strongest disapproval of the Rochester convention through the medium of the public press. The opinion of the republican party in New York, the machine politicians, seems to have been expressed by Thomas Collier Platt<sup>19</sup> when he said: "The convention scorched Hayes unmercifully.

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<sup>17</sup> Mr. Curtis' attitude toward this personal attack is shown in a letter written by him three days later to Mr. Charles Norton: "It was the saddest sight I ever knew, that man glaring at me in a fury of hate, and storming out his foolish blackguardism. I was all pity. I had not thought him great but I had not suspected how small he was." Cary: *George William Curtis*, 258.

<sup>18</sup> Senator Conkling made the slogan of the convention the one word "harmony" at the very opening of the first session. The plan must have been made previously, for this word was used very effectively in the profuse floral decorations of the assembly hall.

<sup>19</sup> Platt, T. C., *Autobiography*, 85.

By resolution and speech it avowed that there was no reason for maintaining the republican party unless it could be assured of the co-operation of the republican administration at Washington. . . . Conkling was rarely in more superb form than at Rochester." It was evident that the machine men felt that they had scored a great victory.

Mr. Conkling's power reached its height at this convention. From this time, as in a novel after the climax has been reached, we can slowly but clearly trace the "falling action" of this brilliant hero. He had greatly injured the prospects of the party in New York and likewise in the other States, whose voters were forced to realize the conditions existing within their party. To this convention may be attributed a considerable part of the success of the democratic party in the presidential election of 1884, which it will be remembered was made certain by a democratic majority in New York.

Another contribution was made to the political organization of the country by this convention at Rochester, namely, the original "Big Four" was organized here. It was composed of Roscoe Conkling, Chester A. Arthur, Alonzo B. Cornell, and Thomas C. Platt.<sup>20</sup>

The State elections in the fall of 1877 were not satisfactory to the republican party machine. In New York the democratic majority was about 150,000, due largely to the reactionary nature of the republican platform. In Wisconsin, Connecticut, and Massachusetts, where the president's policies were squarely endorsed, the republicans might well be proud of their victory,—from its size,—but these were the only States that could experience such emotions.

These introductory pages have shown that the bitterness of the struggle in the senate over President Hayes' civil service reform policies, did not spring up in a single night. The contest was one of the first of many life and death struggles, through which the political machine has been forced to fight its way. Like nearly all the rest of these controversies, it was due directly

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<sup>20</sup> Platt, T. C., *Autobiography*, 85.



to the lust for office. Circumstantial evidence forces us to believe that the leader of the opposition to the executive plans in 1877 injected much personal feeling in his public conduct. He seems to have felt that he had an excellent opportunity to avenge all his personal injuries, an opportunity he did not hesitate to employ to the utmost.

## CHAPTER II

### INVESTIGATION OF THE CUSTOM-HOUSES

One of the first things to which President Hayes gave his attention after he assumed office was the reform of the civil service. He showed this interest in several ways, notably in his attempts to secure a more business-like administration of the most important custom-houses in the country. It was in pursuance of this design that Secretary Sherman, acting in harmony with the President, appointed several commissions in April, 1877, to investigate the conditions existing in the custom-houses in New York, Philadelphia, San Francisco, and New Orleans. At the same time he appointed commissions to investigate, in Boston and Baltimore, the subject of proper rates of drawback, to be allowed on sugar manufactured in United States. Each of these commissions was composed of three members, two being private citizens and one a government official.

The abuses and complaints, in general, alleged against one custom-house, apply to all the others. Either the commissions investigating the New York and Philadelphia custom-houses were more conscientious, or these establishments were much worse in their organization, or else the commissioners who investigated conditions at New Orleans and San Francisco were guilty of the fraud, which they did not find among the employees. The one criticism made of all the custom-house employees was the omnipresence of party politics, especially in the matter of appointments. In San Francisco alone, according to information gathered by the commission, was it possible to utilize the system of party patronage in making appointments without securing inefficient candidates. In that establishment, nearly all the men had been in the employ of the custom-house for several years.

After due investigation the commissions made their reports, each emphasizing one weakness as being more obvious than any other in the establishment it was detailed to investigate. The members appointed on the Philadelphia commission were



Charles Platt, Henry D. Welsh, and Thomas Simons. The greatest defect found here seemed to be the excessive size of the force and thus there was not enough work to keep the employees busy. The commissioners thought this was probably the reason for the large number, who though drawing pay from the government for full time, worked at some other kind of employment, in some cases giving several days in the week to affairs not connected with their offices. This tendency was found especially among the chief officers. For example, the naval officer living in Lancaster, Pennsylvania, devoted from one to three days a week to his own affairs.<sup>1</sup> The commission complained of the evasion of the dutiable liquor law, especially through delinquency in the delivery of goods from the sample room to the public store. It also called attention to the system of gratuities in operation in regard to goods which passed through the custom-house.<sup>2</sup>

The appointment of the commission for the investigation of the New Orleans custom-house was accomplished by a different method than that employed in appointing the other commissions. Secretary Sherman appointed special-agent A. M. Barney and asked John E. King, collector of customs at New Orleans, to appoint the other two members. In compliance with this request, Mr. King appointed General L. A. Sheldon and Colonel F. H. Hatch. The former had been a member of the committee of commerce while a member of congress and was "familiar with business necessities of the Mississippi valley and the commercial requirements of New Orleans." The latter had been a collector of customs at New Orleans.<sup>3</sup> This commission chose as its chairman Mr. Barney and made two reports, one June 30 and the other August 4, 1877, the latter being much the more detailed. The reduction of the force of employees, and the lack of necessity of the naval office seem to have been the most salient criticisms made.<sup>4</sup>

<sup>1</sup> Sec. Sherman's report: *House Executive Documents*, 1st session, 45th Congress, I, doc. 8:83.

<sup>2</sup> *Ibid*, 95-96.

<sup>3</sup> *Ibid*, 102-104.

<sup>4</sup> *Ibid*, 105-6.

The commission investigating the custom-house at San Francisco was composed of Frederick F. Low, Henry L. Dodge, and H. R. Linderman; their report was made October 1, 1877. The grievance most emphasized during their investigation was that of smuggling opium. This product seems to have lent itself well to the practice. When prepared for smoking the opium was put up in small tin boxes which could be easily carried on the person or in packages of other commodities of lower rates of duty. It was in this kind of business that the commission felt,—though they could find no proof,—that the officials were paid to “keep their eyes closed” to fraudulent methods. A “material reduction” in the custom-house force was not advised by the commission, but rather an increase in “temporary officials” who could be called at will. The need would be felt only infrequently,—for example, when there were heavy importations of coal.<sup>5</sup>

The reports of most importance, in connection with this study, were those which dealt with the New York custom-house. The commission which made them was composed of John Jay, chairman, Laurence Turnure, and J. H. Robinson. Their reports of May 24 and July 4 related primarily to conditions as they found them in the custom-house, the report of July 21 gave the result of their investigation of the department of weighers and gaugers, and the fourth report, August 31, related to their findings in the appraiser’s office.<sup>6</sup> The method employed to secure information, was the same used by the other commissions, that is, personal interviews with various members of the official force of the different departments, written reports of many of the officials, also examinations of the official reports.

We learn from the first report that the force then employed in the custom-house, naval office, and surveyor’s office numbered 1,038 men, excluding the employees in the appraiser’s department who numbered 224. The commission recommended a

<sup>5</sup> *Ibid*, 124ff.

<sup>6</sup> This commission made two more reports, October 31, and November 1, 1877, respectively, but I have not been able to secure copies of them.



reduction of twenty per cent. in the force then employed. The working day began nominally at nine o'clock in the morning, but in practice not until ten o'clock. As a result, the enforcement of a uniform length of working day in all departments was advised, the hours suggested being from nine a.m. until four p.m., excepting where longer hours were prescribed by law. In regard to filling the offices, they reported that under the existing system, office-holders were appointed generally at the request of politicians and political organizations, with little or no examination into their fitness, beyond the recommendation of their friends. The officers "higher up" were often under political pressure when making appointments of the subordinate officers.<sup>7</sup> The report contained the following statement:

"The extent of the responsibility which one of these persons showed himself ready to assume was indicated by the surveyor when he said, 'I had within the last two weeks a letter from a gentleman, holding a high official position, in regard to the appointment of an officer whom he knows to have been dropped three times from the service for cause. He has also been to see me about him, and the last time he came he admitted to me that he had been engaged in defaulting the revenue; and yet he writes me calling my attention to the case, and requesting his appointment.' It is satisfactory to know that the defaulting employee thus urged after three dismissals was not reappointed."<sup>8</sup>

Men who received their appointment through political influence were expected to contribute a certain fixed percentage of their salaries to the support of the party. The commission believed that part of the force then employed in the service were deficient in proper attention to business and lacked integrity and business qualifications. Some also seemed to be so much employed in private business that the interest of the service suffered, while some fraudulently accepted money for services rendered in their official capacity. The importance of the business and the methods employed there, was emphasized by the commission, since seventy to seventy-five per cent. of the customs revenue of the nation passed through that port, amounting to \$108,000,000, "so in no case should the tariff provisions be

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<sup>7</sup> *Ibid*, 14, 15.

<sup>8</sup> *Ibid*, 37.

changed by ignorance, carelessness, or fraud in the execution of the provisions."<sup>9</sup>

Secretary Sherman sent to Chester A. Arthur, collector of the port of New York, a copy of this report, advising him to choose active, efficient, and experienced officers and men who would give entire attention to their official duty, but above all men who would do the best work for the government; thus warning Arthur against favoritism. In his letter the secretary referred to the president's policy of excluding from a purely business office a man who took an active part in party politics, such as running party caucuses or conventions. Sherman also pointed out that the policy of placing politicians in purely business offices, was on the whole offensive to the people and advised the removal of any man appointed for political reasons when such appointment was not made with sufficient regard to his efficiency. Secretary Sherman suggested that this made an excellent opportunity to discharge any office-holders who had accepted bribes, etc., or had been accused of lack of courtesy or drunkenness. He did not set any time when the twenty per cent. reduction must be made but stated that he should expect it to be accomplished by June 30.<sup>10</sup>

The second report of the New York commission was a continuation of its first report, being a continuation of the investigation already begun. The words of the report itself state the findings much better than any paraphrase could do, so I quote directly:

"Investigation showed that ignorance and incapacity on the part of the employees were found in all the branches of the service, creating delays and mistakes, imperiling the safety of the revenue, and the interests of the importers, and bringing the service into reproach. It was intimated by the chiefs of the departments that men were sent to them without brains enough to do the work, and that some of those appointed to perform the delicate duties of the appraiser's office, requiring the special qualities of an expert, were better fitted to hoe and plow. Some employees were incapacitated by age, some by ignorance, some by carelessness, and some by indifference; and parties thus unfitted have been appointed, not to perform routine duties distinctly marked, but to exercise a discretion in questions demanding intelligence and integrity and

<sup>9</sup> *Ibid.*, 16.

<sup>10</sup> *Ibid.*, 18-19.



involving a large amount of revenue. At the naval office it was stated that a balance in favor of the government of the many and large errors which they discovered in the custom-house accounts of the liquidation of vessels and statements of refund, amounts to about a million and a half dollars per annum."

The commission found that the law forbidding acceptance of bribes by the custom-house officials had been entirely ignored, and the service had been demoralized by the irregular fees which officials were allowed to take for their own benefit.<sup>11</sup>

At the close of the report the commission made three recommendations to the secretary of the treasury:

"1. The adoption of a scale of salaries for the employees such as is set forth in this report. By using this scale the employees would be divided into classes according to their responsibilities and duties, thus making efficiency the determining factor. Each of these classes of officials was to receive salaries the same as those received by the employees of private firms, having similar duties and responsibilities. 2. The adoption of an order excluding from the custom-house all merchant clerks, custom-house brokers, or any other person who, after the promulgation of the order, shall violate the law against the making or offering of any gratuity, or present any money or other thing of value to any person employed in the custom-service. 3. That a revision of the force similar to that directed by your letter to the collector dated May 28, 1877, be made at stated periods, upon written reports of the chief of the departments and that the employees found wanting in capacity, industry, integrity, and good habits, referred to in your said letter, or who should be found guilty of any of the offences therein specified, be replaced by others, whose good character and fitness for the post shall be ascertained and certified in such a manner as the wisdom of the department shall determine."<sup>12</sup>

The third report of the Jay commission, July 21, 1877, contained the results of their investigation of the department of weighers and gaugers. The officers of this department consisted of thirteen weighers, thirteen weighers' clerks, and the same number of weighers' foremen. "Under the present system," said the commissioners, "each weigher is allowed to employ as many laborers in a gang and as many gangs as he deems necessary, and he reports to the surveyor. A check on any abuse of this permission rests with the surveyor and it would seem to be seldom exercised."<sup>13</sup> These laborers were paid forty cents

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<sup>11</sup> *Ibid*, 38, 39.

<sup>12</sup> *Ibid*, 42.

<sup>13</sup> *Ibid*, 50.

an hour while employed. The report contained many more suggestions in regard to the improvement of conditions than it had been possible to include in the former reports. The recommendations of the commissioners refer more to the department of weighers and gaugers than to the other departments, but the commission seems to have found greater weakness in the system at New York than in the other custom-houses.

I quote the recommendations directly from the report of the commission to the secretary of the treasury, though in some cases it has been possible to condense the statement slightly:

1. Vacate the office of weigher, weigher's foreman, and weigher's clerk, and abolish the existing weighing districts.
2. Appoint one weigher at \$2,500 per annum with his office at the custom-house, six clerks at \$1,200 per annum salary, and one special assistant weigher at a salary of \$1,600 per annum.
3. Appoint thirty-five assistant weighers at annual salaries of \$1,400 each.
4. Direct that all the assistant weighers shall employ the laborers they may require in weighing, not to exceed, ordinarily, four men, at a rate not to exceed forty cents an hour while actually employed.
5. Employ ten laborers permanently at a rate not exceeding forty cents an hour, who shall have charge of the weighers' and gauger's tools, and keep them in good order at designated places.
6. Appoint one gauger at a salary of \$2,000 per annum with an office at the custom-house, and one gauger's clerk at an annual salary of \$1,200.
7. Appoint six assistant gaugers at a salary of \$1,400 per annum.
8. Direct that each assistant gauger employ his own laborers not exceeding two in number at a rate not exceeding forty cents an hour.
9. The assistant weighers and assistant gaugers shall do the work of weighing and gauging respectively, taking the weight and gauge themselves; and that no laborers shall be designated assistant weighers and assistant gaugers to perform the duties of those officers. The assistant weighers and gaugers to be assigned to duty as the necessity of the service may require, at such locations and for such time as the weigher and gauger may determine, with the approval of the surveyor.
10. Keep all records in the offices at the custom-house, the clerical work to be done by the clerks in those offices; and returns to be signed by the weighers and gaugers, respectively as the case may be, within forty-eight hours after the merchandise has been weighed or gauged; all special returns of weight or certificates of weights or of gauges to be furnished to the importers, ship-masters, or owners, or any one representing them, free of charge.
11. A simple inexpensive uniform to be adopted to be worn by such customs officers as may be required to wear it—the cap having the initial letters of the branch of the service to which the wearer belongs, and inspectors, weighers, and gaugers, and their assistants to be required at once to wear such a uniform during their hours of duty.”<sup>14</sup>

The fourth report of the Jay commission was made to the

<sup>14</sup> *Ibid.*, 52ff.



secretary of the treasury August 31, 1877, and dealt with the appraiser's office. It was much longer and more technical than the preceding reports. In a general way the same defects were found in the service in this department as the previous reports had found in the other departments. We are told that the work of the appraiser was made especially difficult because of lack of exact information regarding the market values by which to make estimates of the value of the imported goods. The allowances for damage seem often to have been much greater than they should have been. The system of valuation in use in the office had been in process of development for a long time. By it one package in ten of an invoice was sent to the public store for examination. Undervaluation was another means whereby much money was lost to the government. The commission gave the following illustration of the state of affairs: "It is estimated that the loss from the undervaluation of silk alone is \$3,000,000 to \$5,000,000 out of \$35,000,000. . . . It is calculated that one-fourth of the revenue of the United States is annually lost in collection."<sup>15</sup> Another source of loss to the government in a financial way, and for which the appraiser's office should be held responsible to some degree at least, was in bringing dutiable baggage into the country as personal baggage and thus, under the law, free from duty.

The commission emphasized four changes as especially necessary in this department: 1. Reduction, from ten to seven, of the number of divisions of assignment of goods and merchandise for examination and appraisal. This change made, the appraiser should make the work of each division as nearly uniform as possible. The result would be to keep the importers and their agents from direct and personal communication with the examiners. 2. The appointment of three assistant appraisers under the supervision of the appraiser to form a board for the adjustment of claims. 3. The last or seventh of the divisions was to have charge of damage allowances. 4. The commission advised here, as in the other departments, a reduction of twenty

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<sup>15</sup> *Ibid*, 59.

per cent. in the office employees, retaining the most faithful and efficient members of the force then employed.<sup>16</sup>

The importance of the reports of these commissions lies in the fact that the Jay commission, as well as the others, were non-partisan in composition. It gave the public the first revelation it had received in many years of the internal condition of the New York custom-house. Several partisan attempts had been made to uncover conditions in the custom-house, but the results had not been satisfactory. When a congressional committee of the dominant party had explored, as it were, the mysteries of this establishment, it is surprising to note how efficient, economical, industrious, public-spirited, and honest the service seemed to be; but if, perchance, a committee of investigation were chosen from the opposing party, every finding made by them was adverse to the party controlling the custom-house. Here, however, was a series of reports from non-partisan commissions, which had no other motive but to ascertain and report the truth of the situation.

Mr. Arthur, the collector, having seen the reports, set forth his views, on the investigation, in a letter<sup>17</sup> to Secretary Sherman under date of November 23, 1877. He accused the secretary of appointing a commission which was not only entirely partisan and prejudiced, but which "sought out all that could be said against the officers of the customs, and, of course, took a partial and one-sided view." He sarcastically criticized the commission for using in their report such phrases as: "complaints are rife," "it is suggested that," "this contract suggested that," "the opinion was expressed that," "and many others, similar," concluding with the remark that "charges" introduced by such phraseology "are in effect but amplifications of the ordinary phrase 'they say' and properly entitled to about as much weight." He would have the public infer, too, that the whole report was of about the same value. If one wished to know the real conditions, let him ask the collector! He accused the commission

<sup>16</sup> *Ibid.*, 63.

<sup>17</sup> House Executive Documents, 2nd session, 45 congress, X, doc. 25, 7ff. (1877-78).



of making "misstatements" and "persistent misrepresentations," and not seeking "evidence on both sides." Arthur seems to have expected the commission to institute a sort of court of inquiry, for he tells us that the officers were given "no opportunity for cross-examinations and little for rebuttal or explanation."

In this letter he seemed to forget that the commission was not expected to decide whether the services were good or bad, its duty was merely to report to its superior, the secretary of the treasury, in regard to complaints made, and to describe any conditions then existing which its members did not consider for the best interests of the service. The secretary of the treasury, to whom the reports were made, would judge whether or not officers who would tolerate the existence of such conditions should be allowed to remain in the service. The commission was not appointed to investigate the conduct of the officers—nor did it do so—though their conclusions, of course reflected powerfully, if indirectly, on the officers responsible for the evil system.

The letter of Collector Arthur, to which I have referred, lays very carefully the foundations on which Conkling, later on, in the course of his controversy with President Hayes, built up his opposition to the confirmation of the successors of Messrs. Arthur and Cornell. Although he does not admit such to be the case, the letter, it seems to me, shows that the suggestions of the commission must have been very apt and therefore he hoped to ward off a blow which seemed about to fall. At the same time he sought to make someone else responsible for the existing conditions, and as far as possible exonerate himself and his immediate associates in the eyes of the public.

### CHAPTER III

#### OPENING OF THE CUSTOM-HOUSE CONTROVERSY

The reports of the Jay commission disclosed sufficient reasons for the immediate removal of both Arthur, the collector, and Cornell, the naval officer; and further incentive for the removal of the latter had been given when he refused to resign from the chairmanship of the New York State Republican Committee and membership on the National Republican Committee, in accordance with the president's order of June 22, directing that government officials should not take an active part in party affairs. Cornell held that since his duties on both committees had been fully discharged, and the only act incumbent on him was the formal calling of the conventions, he was not misinterpreting the president's order. September 6, however, he was notified by the secretary of the treasury, Mr. Sherman, that the president had determined on a change in the three leading positions in the custom-house and that his resignation would be accepted; but Mr. Cornell declined to withdraw from his office.<sup>1</sup> President Hayes did not choose to take any further steps at the time but deferred action until the assembling of the extra session of congress, which he had called for October 15. This call had been necessitated by the failure of the preceding congress to make appropriations for the army and navy.

The actual business of the session was not as important as the strained relations already existing between the executive and the senate. Two days after the meeting of the senate the contest over the eligibility of William Pitt Kellogg, of Louisiana, to a seat in that body, was re-opened. This struggle may have been purely for party supremacy, but there is another element which may have had some influence on the contest. Judge Spofford, though a democrat, would favor reform in all its aspects and be a greater menace to the republican party, united as it was against any and all reforms which the administration might suggest. It seems that this latter reason must have had

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<sup>1</sup> *Nation*, XXVII, 33 (July 18, 1878).



some weight, as the contest over the other contested seats was not nearly as heated. The admission of Kellogg, which was finally accomplished at one o'clock, on the morning of December 1, was acknowledged by the country at large as an open rebuke of the president's Southern policy.

When congress assembled, in the middle of October, for the extra session, it was well known what the president desired to do in regard to those office-holders who had disregarded his order concerning participation in party politics by federal officials. During the first two weeks of the session, therefore, there was much speculation on the expected executive action. The suspense was increased by the knowledge that several cabinet meetings had been held, at which persons had been discussed in order to replace the officials who would probably be removed from the New York custom-house. At the meeting of the cabinet held on October 19 the appointments were again considered and it was agreed to nominate Theodore Roosevelt for collector, LeBaron Bradford Prince for naval-officer, and Edwin Atkins Merritt for surveyor.<sup>2</sup> A few days later several senators made a call at the White House, advising Mr. Hayes to be more careful in his appointments to office, saying that, "if the president wanted the support of the republican party in congress, he must show that he was willing to act with the party."<sup>3</sup> The interview as reported in the newspapers was not very satisfactory to the party; and the president is said to have closed the interview with the remark, "we must all co-operate in the interest of the country, for we must not forget that I am the president of the whole country—not of any party."<sup>4</sup>

October 29 the president sent a long list of appointments to the senate for confirmation, among others the names of Roosevelt, Prince, and Merritt.<sup>5</sup> These three names were at once referred to the committee on commerce, composed of Sen-

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<sup>2</sup> N. Y. *World*, Oct. 20, 1877.

<sup>3</sup> *Ibid*, Oct. 23, 1877.

<sup>4</sup> Springfield *Republican*, Nov. 16, 1877.

<sup>5</sup> *Ibid*, Nov. 30, 1877, also N. Y. *World* of the same date.

ators Conkling (chairman), Spencer, Burnside, Macmillan, and Patterson—republicans, and Senators Gordon, Dennis, Ransom, and Randolph—democrats.

Several caucuses of the senate republicans were held, some of them very long; and if we may judge by newspaper reports, much was said in these caucuses in opposition to the president and his policies, especially by Senator Conkling. This gentleman delayed the meeting of the committee on commerce as long as possible. Finally at a meeting of that committee on November 14, the chairman requested permission to ask Secretary Sherman for a statement of the reasons for the removal of the New York custom-house officers.<sup>6</sup> He held that since the senate was an advisory body it had the right to make such a request. The next day Mr. Conkling had prepared a draft of the letter, which contained four general divisions: (1) a statement of the powers of the senate to inquire into appointments; (2) an inquiry asking whether or not charges really had been made against the officers holding positions in the custom-house; (3) a citation of the tenure-of-office act; and (4) a hint that Mr. Sherman had not properly construed President Hayes' civil-service order.

The tenure-of-office act was frequently alluded to by those who opposed the administration, as the foundation on which they based their opposition. This law, passed in 1867 to curb the power of President Johnson over removals, required that reasons for dismissals should accompany nominations made to the senate for confirmation. In President Grant's administration, however, the act was partially repealed, the sincerity of the president being no longer questioned, and reasons for the removal of officials were no longer asked. In 1877, therefore, the act merely authorized every officer, duly appointed and qualified, to hold office for a full term of four years unless sooner dismissed. Such removal was to be accomplished with the consent of the senate through its confirmation of a successor. If the senate refused to give its consent the president could not

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<sup>6</sup> N. Y. *World*, Nov. 16, 1877.



remove the incumbent during the session of the senate. During a recess, however, no matter how short, he could suspend and appoint officers at his discretion, but within thirty days after the beginning of the next session of the senate he must nominate candidates to fill the places of the suspended officers. If the nominations were rejected, the suspended officers would resume their old positions, and the president must nominate other persons as soon as practicable if he really desired a change.

The law thus gave to the senate the practical control of the offices. From this theory developed a custom known as "courtesy of the senate," whereby other senators would not vote for the confirmation of nominations which were opposed by the party senator representing the State in which the office was located. The custom led, in the first place, to the private "advice" of a senator to the president, which in 1877 amounted to dictation. In the second place, it facilitated the formation of a "ring," beginning with the senators, which was able by means of "official patronage" to control political action in the State, thus transferring that control from the people or the party, to a knot of interested office-holders, a political machine whose members were governed, not by specific orders or requests, but by general consent.

The working of the system of official patronage, which was not only well organized but effective and well nigh universal in its scope, was very interesting. It was entirely dependent on the theory that "to the victors belong the spoils." Offices filled by appointment were used to the greatest benefit of the party. This end could not be accomplished without the advice of authentic agents. In order to provide for it, thoroughly trusty persons were selected in every county, district, and State, who were capable of advising as to the wisdom of certain appointments, speaking from the standpoint of the party power in that particular region. For instance, in the city of New York, the "fountain of place" was the custom-house. The collector who would thus give out so many places "for the good of the party" must be a man capable of proper party management.

It is easy to understand how the office-holders thus came to feel themselves servants of the senators and not agents of the executive. Nowhere had this system been felt more deeply, for nowhere was its operation more despotic and rigorous, than in the State of New York, under the leadership of Mr. Conkling in the senate.

During the extra session of congress, Conkling manipulated circumstances so that it was not necessary for a report to be made by his committee on the New York nominations for the custom-house. At a meeting of the committee on Friday, November 30, it was voted that the New York nominations should be reported adversely.<sup>7</sup> This report must have been made at the executive session on Saturday, though the nominations themselves were not considered, as there was objection to "action being taken on the day that the nominations were reported from the committee." Arrangement was made, however, for their consideration during the session on Monday. But for some unknown reason the plan for their consideration, made at the executive session on Saturday, failed to materialize, and the nominations fell with the end of the extra session, December 3. The New York *World* correspondent was quite certain that if a vote had been taken the three nominations would have been confirmed, as probably the whole democratic vote, with perhaps a single exception, would have been in their favor.<sup>8</sup> It was due largely to Senator Conkling's skillful management that the extra session adjourned only to be called in regular session without any recess, for he well knew that if President Hayes were given an opportunity to exercise his power of removal and appointment he would certainly do so.

President Hayes' annual message was read immediately after the opening of the regular session. In it he said "in the firmest and most courteous manner that whenever he wished the advice of the members of congress, he would ask for it, and that advice urged upon him unsought, he should be obliged to

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<sup>7</sup> Springfield *Republican*, Dec. 1, 1877.

<sup>8</sup> New York *World*, Dec. 4, 1877.



consider impertinent, just as those members and the country would condemn and resent upon his part, any attempted dictation of, or interference with, legislation.”<sup>9</sup>

December 6 a committee led by Judge James and representing the republican members of the house from New York, called upon the president and presented a letter asking for the retention of Collector Arthur and Naval-Officer Cornell and the reappointment of General Sharpe as surveyor. This letter was signed by fifteen of the seventeen New York members of the house.<sup>10</sup> In commenting on this petition the editor of *Harper's Weekly*, after speaking of the attitude taken by the president in his message toward senatorial dictation of nominations, says: “This was the moment when with most amusing infelicity, the New York delegation waited on the president and asked him not to renew the nominations that Messrs. Conkling, Patterson, Spencer, and Macmillan had disapproved. The president had a right to treat such a request as an insult. But he knew that it was not meant to be insulting and with his imperturbable good nature, he is said to have read to the delegation the Cincinnati resolution which declares that the best interest of the public service requires that the representatives should not do precisely what these representatives were doing. No reply was possible.”<sup>11</sup>

On the same day President Hayes returned to the senate as nominations for the New York custom-house positions, those names which he had sent to it in October. They were promptly referred to the committee on commerce. Only one member on the committee had been changed with the reorganization of congress, Senator Burnside, a republican and known to favor the policies of the administration, was exchanged for Senator Jones of Nevada, an unfaltering Conkling supporter.

A meeting of the committee was held on the morning of December 11, at which, by a vote of six to two, it was agreed to report adversely on the nominations of Roosevelt for collec-

<sup>9</sup> *Harper's Weekly*, XXII, 2 (Jan. 5, 1878).

<sup>10</sup> *New York World*, Dec. 7, 1877.

<sup>11</sup> *Harper's Weekly*, XXII, 2 (Jan. 5, 1878).

tor, and Prince for naval-officer. It was decided to report favorably on the nomination of General Merritt for surveyor,<sup>12</sup> as General Sharpe's term had expired and he had withdrawn in October his petition for renomination. Senator Conkling is said to have intended to withhold a report on the Roosevelt and Prince nominations until after the re-assembling of the senate in January, but he had come to realize that public opinion was too strong to be ignored, and changed his purpose. Later in the day, December 11, the report was made to the senate, but since the decision was not unanimous, it could not be acted upon until it had lain over at least one day.

The senate went into executive session at 2 o'clock on the next day, December 12. The contest, begun immediately, lasted for six hours, and it was said to have been one of the hottest contests in President Hayes' administration. The result was not wholly a surprise, the nominations of both Roosevelt and Prince were rejected by a vote of 25 to 31, and Merritt was confirmed "without division." Senators Bayard, Mathews, Gordon, Hoar, Christiancy, and Kernan spoke, in the order named, in favor of confirmation. Of these, Senator Bayard, of Delaware, and Senator Kernan, of New York, both democrats, made the strongest speeches in support of the administration. On the other side the speakers were Senators Edmunds, Teller, and strongest of all, Senator Conkling.<sup>13</sup> It is interesting to note that one of the two stoutest supporters of President Hayes' nominations was Senator Conkling's colleague, who was a democrat.

The main contention of Conkling's speech was that no charges had been made against either of the incumbents which amounted to anything. He emphasized the reforms which Collector Arthur had made in the service. In fact the abuses to which the Jay commission had alluded had been reformed. He showed, also, that the bench, the bar, and the leading merchants of New York all recommended Collector Arthur and that to the

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<sup>12</sup> *N. Y. World*, Dec. 12, 1877.

<sup>13</sup> *Ibid*, Dec. 13, 1877.



number of hundreds they had pronounced his management of the custom-house most efficient. Mr. Conkling asserted quite forcefully that this removal was a personal attack on him by the administration, under the guidance of the secretary of state, Mr. Evarts. He charged that Evarts desired to control the politics of New York in his own interests and against those of Senator Conkling. From this standpoint he appealed to the senate not to be a party to such personal and corrupt ambitions.<sup>14</sup>

Conkling secured most of his support from the other senators by showing them that this was an attack on his right to control the official patronage of his state and that if he were not protected in this right, every senator's power was in danger. He identified his cause with the cause of other senators and appeared to be defending the individual power of every member of the senate,—the dignity of the senate as Conkling chose to call it,—against the injustice of the administration. The republican senators generally supported their party leader but the most liberal of the democrats supported the president.

Before considering the attitude of the public toward this struggle, perhaps it would be of interest to compare the men in the New York custom-house with those whom the president nominated to fill their places.

Chester Alan Arthur, the collector, was one of six, in a class of one hundred, who graduated at Union College in 1848 with Phi Beta Kappa honors. In 1853 he was admitted to the bar and became a member of the law firm of Culver, Parker and Arthur in New York city, which firm became especially prominent as counsel for anti-slavery interests.<sup>15</sup> Mr. Arthur entered politics at the organization of the republican party. During the civil war he was very active in his State as quartermaster, inspector-general, and quartermaster-general of the State. Through his whole public life he was much interested in national as well as State politics. In 1871 President Grant ap-

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<sup>14</sup> New York *World*, Dec. 13, 1877.

<sup>15</sup> Appleton: *Cyclopaedia of American Biography*, I, 99.

pointed him collector of the port of New York, and in 1875 he was reappointed. Of his participation in politics Hugh McCulloch says: "he had been educated in the New York school of politics, the cardinal doctrine of which was, 'to the victors belong the spoils' and he conducted the collector's office on that principle."<sup>16</sup>

Mr. Alexander pays him high tribute, saying: "Arthur enjoyed the respect of every local leader, who appreciated his wise reticence and perennial courtesy blended with an ability to control restless and suspicious politicians by timely hints and suggestions. Indeed people generally, irrespective of party, esteemed him highly because of his kindness of heart, his conciliatory disposition, his lively sense of humor, and his sympathetic attention to the interests of those about him. He was neither self-opinionated, argumentative, nor domineering, but tactful, considerate, and persuasive. There was also a freedom from prejudice, quickness of decision, a precise knowledge of details, and a flexibility of mind that enabled him easily to adapt himself to changing conditions. . . . He played an honest game of politics. . . . He sought in good faith to secure efficiency and honesty, and if he had not been pinioned as with ball and chain to a system as old as the custom-house itself and upon which every political boss from DeWitt Clinton to Roscoe Conkling had relied for advantage, he would doubtless have reformed existing speculation and irregularities among inspectors, weighers, gaugers, examiners, samplers, and appraisers."<sup>17</sup> The newspapers generally attacked Collector Arthur, but the ground almost invariably was his relationship with the New York machine. The *Springfield Republican* said in speaking of Arthur: "the collector may not have been responsible, personally, for all the failures in the administration of the custom-house, but the country will recognize, and we believe the senate will recognize, the fact that Mr. Arthur has not made a success."<sup>18</sup>

<sup>16</sup> *Men and Measures of Half a Century*, 483.

<sup>17</sup> *Pol. Hist. of N. Y.*, III, 400.

<sup>18</sup> July 13, 1878.



The man nominated to succeed Arthur was Theodore Roosevelt. The New York *World* said: "Mr. Roosevelt is best known to the people of New York as an active and practical philanthropist. A gentleman of large wealth, he retired from active business some three years ago, since which he has devoted almost all his time to fostering the charities which his liberality helped to found. . . . There is scarcely an important private charity started in this city since the civil war in which he has not been prominent as a promoter. . . . He has always rigidly eschewed politics. . . . He is a professed republican but has voted the other ticket when he considered the republican candidate to be positively bad. . . . He was present at the Cincinnati convention as a representative of the Reform Association."<sup>19</sup> The general consensus of opinion of the press was expressed in the Springfield *Republican* of December 1, 1877, in its New York letter as follows: "Mr. Roosevelt is a gentleman above reproach and would unquestionably inaugurate a new order of things at the custom-house." George William Curtis said of him: "Certainly he [President Hayes] could nominate no man of higher character or greater fitness."<sup>20</sup>

The nomination was offensive only to those who resented the removal of Mr. Arthur. Senator Conkling had another reason for opposing Roosevelt's nomination than the belief that Arthur should not be removed. He felt that Roosevelt was not only his political but personal enemy, which fact, he held, was the sole reason why the administration nominated him. This enmity may be explained by the fact that early in 1876 an association was formed in New York City, sometimes called the "Union League Club"<sup>21</sup> and at others called the "Republican Reform Club."<sup>22</sup> The members were men like Theodore Roosevelt, Rufus Choate, Judge Emott, Dr. Bellows, General F. C. Barlow, and Francis A. Stout. The object was to elect Bristow president in 1876; and a delegation went to Cincin-

<sup>19</sup> Oct. 30, 1877.

<sup>20</sup> *Harper's Weekly*, Jan. 19, 1878.

<sup>21</sup> Alexander, D. S., *Pol. Hist. of N. Y.*, III, 332.

<sup>22</sup> Springfield *Republican*, Oct. 18, 1877.

nati to support him, with instructions "to fight Conkling at all events." "Mr. Roosevelt," we are told, "headed the delegation and is credited with having paid a large share of the expenses of his associates. Just before the convention opened, Mr. Roosevelt delivered an impassioned speech from the balcony of the Gibson House, against the nomination of Senator Conkling, and both he and his club worked day and night against the New York candidate."<sup>23</sup>

Alonzo B. Cornell, the naval-officer, "was known chiefly as maker and chauffeur of Conkling's machine, which he subsequently turned over to Arthur who came later into the Conkling connection from the Morgan wing."<sup>24</sup> He was prominent as a director of the Western Union Telegraph Company, and was its vice-president from 1870 to 1876. In 1869 he was appointed surveyor of customs at New York, resigning in 1873 to become a member of the state assembly, in which body he was immediately elected speaker and won high repute as a successful presiding officer. From 1870 to 1878 he was chairman of the republican State committee of New York and became noted as a political organizer of remarkable tact and efficiency. In 1876 he was the leader of the New York delegation at Cincinnati, and it has been said that it was through his influence that the entire delegation was finally recorded for Governor Hayes. During the canvass of 1876 Mr. Cornell devoted himself with great energy to politics, serving as a member of the national party executive committee and as chairman of the New York State party committee. In January, 1876, President Grant appointed him naval-officer of the port of New York. Alexander says of him:

"His silence, deepened by cold, dull eyes, justified the title of 'Sphinx' while his massive head, with bulging brows, indicated intellectual and executive power. He was not an educated man. Passing at an early age from his studies at Ithaca Academy into business, no time was left him, if the disposition had been his, to specialize in any branch of political economic science. He could talk of politics and the rapid growth of American industries, but the better government of great cities and

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<sup>23</sup> *Ibid.*

<sup>24</sup> Alexander, *Pol. Hist. of N. Y.*, III, 465.



the need of reform in the national life found little, if any, place among his activities. In fact, his close identification with the organization had robbed him of the character that belongs to men of political independence, until the public came to regard him as only an office-holder who owed his position to a chief whom he loyally served."<sup>20</sup>

He considered the president's order regarding his participation in politics while a government official an invasion of his civil and political rights and so declined to obey it.

It has been impossible for the writer to gather much information regarding LeBaron Bradford Prince who was nominated to take the place of Mr. Cornell. He was a lawyer and graduated from the Columbia Law School in 1866. In 1871 he was elected to the assembly from Queen's County, retaining that seat until 1875. During his second year in that body he was chairman of the judiciary committee, which investigated the corrupt courts of New York City. From 1868 to 1876 Mr. Prince was a member of the national republican party convention. The only references found in the newspapers regarding his abilities were in the *New York World* (November 1, 1877) when the editor queried as to why Mr. Conkling should oppose Mr. Prince when he was "an ancient politician of the machine's stripe dear to his own soul." November 16 the same paper said that Mr. Conkling's opposition was based on the fact that Prince had supported candidates for office in the State of New York whom Conkling had opposed.

George H. Sharpe, the man whose term of office as surveyor had expired, was one of the cleverest leaders of the organization republicans in the State of New York. Edwin A. Merritt, whom President Hayes nominated to succeed Sharpe, was a surveyor by trade and followed that occupation throughout his life when not employed in some public work. During the civil war he served as a quartermaster in the army, and in 1865 became quartermaster-general of the State of New York and also superintendent of the Soldier's Home in New York city, holding the office until 1869. He established free agencies for the collection of bounties, back-pay, and pensions due to

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<sup>20</sup> *Pol. Hist. of N. Y.*, III, 251.

New York volunteers. In 1869 and 1870 he served as naval-officer of the port of New York,<sup>26</sup> losing that position when Conkling secured control of the federal patronage of the State. Conkling obtained this control by securing the appointment of Thomas Murphy as collector at New York in spite of Senator Fenton's opposition. Mr. Merritt then followed Fenton and Greeley into the liberal republican party but returned to his former allegiance in 1874. Alexander, in speaking of his public life as a whole, says: "Whatever Merritt touched he improved, whether quartermaster, naval-officer, surveyor, or collector. He attended rigorously to duty, enforcing the law fairly and without favor and disciplining his force into a high state of efficiency, so that revenues increased, expenses diminished and corruption talk ceased."<sup>27</sup>

The feeling of the nation at large, in regard to the action of the senate on Hayes' New York nominations, expressed through the medium of the press, was one of uniform disgust, except in those papers which were "party organs," where there was, of course, great exultation. The *New York World*, a democratic daily, most severely criticized the members of its own party for the position they took. It believed that they were injuring their own cause. This paper, referring to Senator Bayard, said: "The senator from the little State surely has more respect from the country as a result of yesterday's speech than has the senator from the Big State."<sup>28</sup> The democrats who voted with the republicans and Senator Conkling, said they voted thus because they "pitied him so," he having led them to believe that without the support of Arthur and Cornell it would be impossible for him to hold his position, that is, be re-elected in 1878. Many people thought that the defeat of the administration was due to some extent to an inconsistent application of the civil service policy in making appointments. Numerous instances could be cited of nominations confirmed by the senate, of men who

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<sup>26</sup> Appleton, *Cyclopaedia of American Biography*, IX, 308.

<sup>27</sup> *Pol. Hist of N. Y.*, III, 406.

<sup>28</sup> Dec. 13, 1877.



were not observing the executive order of June 22. But it was very certain that "in the New York custom-house or as long as the present collector and naval-officer remains," as George William Curtis expressed it, "however honest as men and reputable as officers they may be, nobody in the custom-house or out of it will believe that there is any real change in the old system."<sup>29</sup>

The rejection of the nominations by the senate was taken at the custom-house to mean an end of the president's order to office-holders of June 22, 1877. The senate in sustaining Conkling in his opposition, showed that it believed the men then holding the offices were entirely fit, rather than that the nominees were unfit. They reasoned that the president had exhausted his constitutional power; for no other nominations would be confirmed, since the senate refused to remove Arthur and Cornell. This affair showed that the jealousy of executive power which was so deep and general at the time of the framing of the constitution, really succeeded in restricting this power almost entirely. The two special prerogatives of that power are the right of nomination and of veto. The attitude taken by the senate in the contest of 1877 was felt by some to have virtually taken away any power on the part of the executive to exercise the right of nomination.

While the contest was at its height there appeared in the New York *World* this editorial: "The Republican situation in regard to the New York Custom-house appointments reminds us strongly, as the late Mr. Lincoln would have said, of a little story. A trading schooner was ploughing through the Sound when the mate (and part proprietor) thinking the craft was getting perilously close to some shoals, ran aft and advised the captain (and part proprietor) to put the helm hard up. 'Mr. Mate,' said the captain, with much dignity, 'you go forward and attend to your end of the schooner, and I'll attend to mine.' The mate went forward, in about a minute there was a splash, and a running out of cable, and the mate cheerily cried, 'Cap'n Slocum, I've anchored my end of the schooner.' Mr. Hayes

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<sup>29</sup> *Harper's Weekly*, XXII, 206 (Mar. 16, 1878).

appears to have anchored his end of the schooner."<sup>30</sup> The following entry in President Hayes' diary under date of December 13, 1877, shows that the *World's* "little story" was quite apt: "In the language of the press 'Senator Conkling has won a great victory over the administration.' My New York nominations were rejected 31 to 25. But the end is not yet. I am right and shall not give up the contest."<sup>31</sup>

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<sup>30</sup> Dec. 10, 1877.

<sup>31</sup> Williams, C. R.: *Life of Rutherford Birchard Hayes*, II, 87.



## CHAPTER IV

### THE TRIUMPH OF THE PRESIDENT

The president's decision to allow congress to adjourn without a second attempt to secure a change in the officials in the New York custom-house, was a disappointment to the public. It felt that although much in the way of reform was promised by President Hayes' letter of acceptance, inaugural address, and annual message, what had been really accomplished was practically negligible. There was widespread dissatisfaction and discouragement; and many persons doubted that the president had ever thought seriously of reform. In fact, it seemed on the surface that a great opportunity to promote reform had been lost. But President Hayes only waited in order to obtain a better opportunity.

It came in due time. July 12 the headlines in the morning papers announced that the administration was "Making A Clean Sweep." On the preceding day President Hayes had removed Messrs. Arthur and Cornell by the appointment of General Edwin A. Merritt and Mr. Silas W. Burt, respectively, to fill the offices of collector and naval-officer. These men assumed their new duties on July 20. It will be remembered that the appointment of General Merritt as surveyor had been confirmed by the senate at the same time that body had refused to remove Messrs. Arthur and Cornell from office. Appointing him now as collector was a promotion, and it showed the appreciation of the administration for the excellent manner in which he had conducted the surveyor's office since December.

This appointment<sup>1</sup> was approved by the public in general, although some who were conversant with politics in New York, felt that soon the custom-house would be re-organized as a "Fenton machine," owing to the close association and friendship of General Merritt and ex-Governor Fenton. The *Nation* expressed this opinion when it said: "The custom-house has not

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<sup>1</sup> Theodore Roosevelt had died on Feb. 7, 1878.

for forty years been conducted as 'a business office on business principles,' to use Mr. Hayes' language, but as a political headquarters with business office attached."<sup>2</sup> Many people believed that the change was merely a "political move" to defeat the reelection of Senator Conkling to the senate, rather than an attempt to improve the service. Mr. Sharpe, the former surveyor, in speaking of Mr. Merritt remarked: "If there were a thousand applicants for the collectorship, each worse than the other, nine hundred and ninety-nine would be picked out before General Merritt would be touched."<sup>3</sup> Happily this was not the opinion of the majority. Any opposition there was to his appointment seems to have been due to the belief that no man who had once been interested in politics could give it up for a public office, and once in it give himself to an honest, unpartisan service.

Of the policy he intended to follow, Mr. Merritt said, "The custom-house will no longer be the headquarters of a political party, controlling primary meetings and conventions. I don't think, however, that a man should cease to be a working republican when he becomes a government officer, and there are legitimate methods by which he can work for the achievement of the party; but the vast patronage of the custom-house will not be used as a part of the political machine. I think the general effect will be to consolidate the party—unless direct war shall be made on the administration."<sup>4</sup>

The public said little in regard to the new naval-officer. Mr. Burt, after his graduation from Union College, took a special course in civil engineering, and followed that profession for several years. At the outbreak of the civil war he was appointed assistant inspector-general and auditor of military accounts on the staff of Governor Edwin D. Morgan, and retained the office under Governors Seymour and Fenton. In 1869 he was appointed deputy in the naval office, and the following year was made special deputy. Since that time (1870) as special

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<sup>2</sup> XXVIII, 96 (Feb. 6, 1879).

<sup>3</sup> New York *World*, July 12, 1878.

<sup>4</sup> Springfield *Republican*, July 13, 1878.



deputy and comptroller, he had directed the practical business management of the naval-office. In politics he was a republican, but he had taken no prominent part in the local politics of New York.

Announcement was made July 21 of the appointment of General Charles K. Graham to fill the vacancy caused by the promotion of General Merritt. General Graham for several years before the civil war was constructing engineer in the Brooklyn navy yard, the dry dock and landing ways being built under his supervision. At the opening of the war he volunteered, and about four hundred men employed in the navy yard followed his example. Throughout the war, Mr. Graham was in active service, and in March, 1865, he was breveted major-general of volunteers. He returned to his old work as an engineer, and was chief engineer in the dock department from 1873 to 1875. He was generally considered a suitable person for service in the surveyor's office.

Mr. Conkling's associates thought that the removal of their friends would be advantageous to the republican party in the State election, then near at hand. They thought Hayes' action unjust and expected the voters to repudiate it. Ex-Surveyor Sharpe seemed delighted to "talk" regarding the removal of Arthur and Cornell. He compared this act of the administration, after having been rebuffed by the senate in December, to the boy who said to another boy, "I can't lick you but I can lick your sister."<sup>5</sup> He characterized the whole proceeding as "a dig at Senator Conkling."

The press generally received President Hayes' removals with commendation. Nearly all thought them merely a political move and predicted that the business of the custom-house would soon be little better than before. This does not mean that the editors were opposed to reform. If these removals really meant a change in affairs they were ready to support the president. At all events it was sincerely hoped that the new officials would serve the public interest instead of party or personal interests.

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<sup>5</sup> New York *World*, July 12, 1878.

The suspension of Arthur did not involve his personal integrity or character; nor was any direct charge lodged against Cornell. Their removal rested simply on the plea that the interests of the service demanded a change. Everyone admitted that there must be a change if any real reform were to be accomplished. The administration was severely criticized because it had "invited" Mr. Arthur to carry out the recommendations of the Jay commission, thus, as many believed, condoning the collector's wrong doing, if any had existed, by making him an agent of reform. Depending directly on this was the argument that his subsequent removal was simply in the interest of faction. Disappointment in the president was increased by his not giving the real and decisive reason for the removal of Cornell, namely his active participation in politics, rather than that "the interests of the service demanded a change."

The most severe criticism I have found of these proceedings was in the *Nation*,<sup>6</sup> which said:

"The public have ceased to look for civil service reform from an administration whose earliest act was to shower offices and emoluments upon the two Andersons, Dennis, McLin, and a long line of kindred spirits whom both parties are now vying with each other to prove worthy of State prison, all such reforms will be looked upon as no part of a new system but as a mere variation of the old one. . . . The immediate penalty visited on the administration for its failure to redeem its pledges, is that few persons will believe that the custom-house changes are made with any other object than to cripple Senator Conkling. Still it must be said of President Hayes that, however ready he has been to reward those who have been serviceable to him, he has never shown any desire to be revenged on his enemies. The presumption, therefore, is that vindictiveness was not the governing consideration in the recent removals. Whatever the motive, the blow will not be a slight or inconsiderable one to Mr. Conkling. It will be a serious one because it touches him in the sources of his strength."

Congress opened its regular session December 2, 1878, and the next day President Hayes sent to the senate the nominations of Messrs. Merritt, Burt, and Graham.<sup>7</sup> The nominations were "laid over" owing to the absence of Senator Conkling, but on his return they were referred to his committee. The re-

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<sup>6</sup> XXVII, 36 (July 18, 1878).

<sup>7</sup> Springfield *Republican*, Dec. 4, 1878.



organization of the senate committees made no change in the membership of this committee.

Senator Conkling appeared in his seat in the senate for the first time during the session Tuesday, December 10. The first meeting of his committee was held the following Thursday; but since only five of the nine members of the committee were present, action on the nominations was postponed, at the chairman's suggestion, until the next meeting. The *World*<sup>8</sup> suggested that perhaps the senator intended, by this action, to pursue his tactics of 1877 and bury the appointments for several weeks in his committee room. The *Springfield Republican*<sup>9</sup> said this would "enable him to delay action until after the holidays, if he chooses, and so till after his re-election as senator." The prophecy of the *Republican* proved to be the policy followed by Senator Conkling. The committee on commerce did not meet again until after congress adjourned December 20 to meet again on January 7.

At the executive session held on January 15, the president of the senate read a communication from the secretary of the treasury, stating the reasons for the removal of the custom-house officers by executive order.<sup>10</sup> The letter was written by Secretary Sherman at the request of President Hayes, in anticipation of the argument made by the opposition in the contest of the year before, that there were "no good reasons" for the removals. Submitting this statement of reasons was received by the senate merely as an act of courtesy, since it was not required by law or custom.

The statement from the secretary was very long. The principal charges made against Arthur were: (1) he did not devote his attention to his official duties; (2) he did not come to the custom-house until long after the beginning of daily office hours; (3) he permitted his deputy, Mr. Lydecker, to run the business; (4) the office was carelessly, inefficiently, and recklessly managed; (5) the expense of collecting the revenue un-

<sup>8</sup> Dec. 13, 1878.

<sup>9</sup> Dec. 13, 1878.

<sup>10</sup> New York *World*, Jan. 16, 1879.

der General Arthur's administration was excessive, as had been shown by the saving effected since General Merritt had taken charge of the custom-house; (6) he kept a large number of men on the pay-rolls who in no wise aided in the collection of the revenue, being merely politicians who held sinecures on account of their past and prospective services.

Ex-Deputy Collector Lydecker was charged with having admitted large quantities of goods duty free and with other violations of law. Ex-Naval-officer Cornell was arraigned in the severest manner. During Mr. Cornell's régime the naval-office was a sinecure; the incumbent performing no work for the government, but simply managing political affairs while the duties of the office were performed by the deputy naval-officer. It was also charged that the naval-office was mismanaged. Some general charges were made against the officers in control, as (1) the old custom-house officers were charged with discriminating in favor of the port of New York against other ports, by showing favors to New York merchants that were denied the importers at other ports; (2) it was further charged that, under General Arthur, efforts were made to induce shippers to enter the port of New York in preference to other Atlantic ports.

After this letter was read it was moved to make it public. The motion was opposed by Mr. Conkling, in a bitter speech, in which he attacked the administration, especially President Hayes, in the severest manner. He declared it unfair to permit the publication of Hayes' charges against Arthur and Cornell without first giving those gentlemen an opportunity to reply. He then moved the reference of the communication to the committee on commerce, and suggested that the reply of the gentlemen concerned should be made public with the charges, and the motion carried.

A meeting of the committee of commerce was held on the morning of January 16. Nothing was done about the New York appointments, "it being Mr. Conkling's wish that no action be taken until after next Tuesday when he hoped to secure



his re-election to the senate."<sup>11</sup> At this meeting there was an informal discussion of Secretary Sherman's letter, all agreeing that Messrs. Arthur and Cornell should be allowed to reply before it was made public. It was announced that copies of the letter had been mailed to both these gentlemen.

The next meeting of this committee was held January 24, when it was voted to report adversely on the nominations of Messrs. Merritt and Burt. All the republican members were united in their opposition while the democrats refrained from voting.<sup>12</sup> The members of the committee observed strictly the secrecy, to which they had pledged themselves in regard to the meeting.<sup>13</sup>

Senator Conkling reported the result of the committee meeting at the executive session of the senate on January 27. He reported the name of Mr. Graham favorably, whom President Hayes had nominated to fill the office of surveyor.<sup>14</sup> At the conclusion of the report, Conkling presented to the senate the answers made by Arthur and Cornell. After these were read, he sent to the secretary's desk a letter from Secretary Sherman asking that copies of the replies be sent to him. This letter gave Conkling an opportunity for further criticism of Secretary Sherman.

A caucus of the democratic senators was held the next morning, at which nearly all those present opposed confirmation. Two reasons were given for this opposition: (1) by defeating Merritt and Burt the breach between the president and the radicals would be widened, and (2) the collector of the port of New York should not be a partisan, whereas Merritt was a strong republican.<sup>15</sup>

At the executive session on the same day it was ordered that

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<sup>11</sup> New York *World*, Jan. 17, 1879.

<sup>12</sup> New York *World*, Jan. 25, 1879.

<sup>13</sup> As a result of this secrecy it was not known what had been decided about the nomination of Mr. Graham (surveyor). The papers generally agreed that if he were not reported adversely, his nomination would probably be "smothered" which would amount to the same.

<sup>14</sup> New York *World*, Jan. 28, 1879.

<sup>15</sup> New York *World*, Jan. 29, 1879.

copies of the printed replies of Arthur and Cornell be sent to the secretary of the treasury. Agreement was also made to give the secretary a day in which to reply if he so desired. In the executive session on Wednesday, January 29, there was a heated discussion of the time when the appointment should come before the senate for its action. Stanley Mathews stated that he had been informed that Secretary Sherman desired to make a statement to the senate in reply to the letters of Messrs. Arthur and Cornell. In order to give the secretary more time Senator Mathews moved that consideration of the nominations be postponed until the next Monday. Senator Conkling opposed so much delay and proposed an amendment by which they would be considered on Friday instead of Monday. He held that the senate had sufficient information already, since both sides of the case had been presented, and pointed to the delay which would be caused by Mr. Sherman's counter-statements and the likelihood that Mr. Arthur would wish to make some comments in rebuttal. The amendment was lost by a vote of 26 to 28. Finally, after much parleying, Mr. Mathews consented to modify the resolution, substituting Friday for Monday, and thus modified the resolution was passed.<sup>16</sup>

The next day was one of anxiety and suspense for all, but especially for Mr. Conkling's supporters. Friday afternoon, shortly after one o'clock a message arrived at the capitol from the president accompanied by a long communication from Secretary Sherman in reply to the statements of Arthur and Cornell. The senate went into an executive session that lasted four hours, and the communication was read at once.

The president's message was the strongest argument that had been made in favor of confirmation. It contained three points of especial importance: 1. Since the custom-house in New York collected two-thirds of the revenue of the government, its administration was of interest to the whole country. "For a long period of time it has been used to manage and control political affairs." 2. The officers who were suspended

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<sup>16</sup> *Ibid*, Jan. 30, 1879.



"have been for years engaged in active personal management of the party politics of the City and State of New York. . . . The duties of their offices have been considered of subordinate importance to their partisan political management." 3. The former officers had been suspended by the president in conformance with the duty which he felt the constitution placed upon him to enforce the laws. He had made the nominations then before the senate, that the office might be honestly and efficiently administered.<sup>17</sup>

Mr. Conkling then sent to the clerk's desk a supplemental statement from Mr. Arthur, which was read. This communication was intended by the suspended collector to make plain certain portions of his previous statement, in relation to the collector's office, which he had not had time to present fully in his first hastily written reply to Sherman's charges. The senator then presented a petition signed by many republican members of the New York legislature asking the senate to confirm the appointments of Merritt and Burt. He next read twenty telegrams from the signers of the petition saying that they had signed it under the misapprehension that Mr. Conkling desired them to do so. A similar petition was presented by Senator Kernan, signed by the democratic members of the senate of New York. The *Nation* in commenting on these petitions and telegrams observed that forty-six members of the republican majority in the New York legislature signed the petition, whereupon "several of them were so frightened by the prospect of their leader's wrath, that they telegraphed him that they were sorry for what they had done, and hoped that all would be forgiven."<sup>18</sup>

As soon as these documents had been read Senator Conkling spoke at length in behalf of General Arthur. Senator Mathews then asked that consideration of the appointments be delayed to enable the senators to consider the new evidence that had been

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<sup>17</sup> Richardson, *Messages and Papers of the Presidents*, IV, 4463.

<sup>18</sup> *Nation*, XXVIII, 93 (Feb. 6, 1879).

presented. His motion for postponement until Monday was carried over Mr. Conkling's opposition, by a vote of 35 to 26.<sup>19</sup>

The great political drama of the session was finally put on the stage Monday afternoon, February 3, 1879.<sup>20</sup> The executive session began at one o'clock and did not close until eight o'clock that evening. Immediately after the opening "Mr. Conkling sent to the clerk's desk another communication from General Arthur as a rebuttal of Secretary Sherman's last letter on the management of the custom-house under the old régime." A discussion of the main question occupied the first two hours of the session, but the support of the nominations was so strong on the democratic side as to show Conkling that they would be confirmed if a vote were reached. His tactics were then changed, and a motion was made, in his interest, to recommit the whole matter to the committee, with instructions to make a full investigation. This was received with considerable favor, and it was privately explained to the democrats that this would throw the question over the fourth of March, and so give them control of the nominations, since they would control the majority of the next senate.

Just as the yea and nay vote was about to be taken, Mr. Conkling rose and said, according to the *World*:

"As it was perhaps the last opportunity he would have to speak to the senate on the subject he would occupy its attention for a short time to express his opinion. Thereupon, he began what proved to be a speech of two hours duration, of a most bitter and personal character throughout. . . . This speech is said to have been one of the best arguments he ever made. Secretary Sherman's charges and Arthur's replies thereto, were reviewed; the president's message of the 31st was commented on by Mr. Conkling, who intimated that the burning desire of Hayes was to use the New York custom-house as a political machine for the benefit of the administration more than to collect the customs revenues honestly. . . . Without directly accusing Sherman of having been paid for his services in Louisiana, just before the election, with the office of secretary of the treasury, Mr. Conkling contrived to make his meaning understood."

For the double purpose of showing the insincerity of the administration in the way of civil-service reform, and to acquit

<sup>19</sup> New York *World*, Feb. 1, 1879.

<sup>20</sup> N. Y. *World*, Feb. 4, 1879. This has been my chief source of information concerning the final struggle.

<sup>21</sup> *Ibid.*



Arthur of the responsibility of having made political appointments, Conkling read a large bundle of private notes from members of the administration—especially the ex-Assistant Secretary of the Treasury McCormick—to ex-Collector Arthur asking for places for friends. It was true that “many of the notes were most indiscreet in character,” but many of the members of the senate were “much displeased at the production of private correspondence as a means of influencing them.”<sup>22</sup> “The first effect of publishing all this special and private information and correspondence, was to secure the vindication of the administration.”<sup>23</sup>

Although Mr. Conkling did not make a direct appeal to the senate for assistance in his fight against President Hayes, he plaintively asked the senators if they would consent to sit tamely by and see the strength of the administration arrayed against two innocent officers of the government. Mr. George William Curtis saw in the appeal of the New York senator for the defeat of the administration, merely a demand, “that he and not the president may be allowed to exercise the executive functions of appointment and removal in the State of New York.” This editor went on to say that, “this is worth consideration. What one senator may do, every other senator may do. Whenever an official change in a State may be proposed, the State senator may say that the president’s pretended reasons are worth nothing, but are personal hostility to the senator. All these proceedings tend to show the country more plainly that this is becoming a government not so much of the people as of the office-holders.”<sup>24</sup>

“Before Mr. Conkling had finished his speech, the feeling against him had become strong, and quite a number of senators who were at first willing to vote for the proposed delay, insisted that an immediate vote should be had on the main question. This was finally forced, although the yeas and nays had been

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<sup>22</sup> *Springfield Republican*, Feb. 4, 1879.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Harper's Weekly*, XXIII, 122 (Feb. 15, 1879).

ordered on the question of reference to the committee. The result was the confirmation."<sup>25</sup> For Merritt the vote was 33 to 24 and for Burt 31 to 18. "Then followed a prolonged contest over making the whole debate and votes public. The democrats insisted that the notes Mr. Conkling had read should be included. This he refused flatly, gathering the whole up and putting them in his pocket. Secrecy was removed, however, from the vote."<sup>26</sup>

By the next morning everybody knew what had happened; for although the session was secret, nothing of the seven-hour conflict remained untold. The strongest speaker in favor of confirmation was Senator Bayard. Senators Dawes and Beck also spoke on this side. Opposed to them were Senators Edmunds—who thought that the tenure of office act should save Arthur and Cornell from official decapitation—Cockrell, Kernan, and Voorhees. The appointment of Surveyor Graham was not acted upon, as it took so long to dispose of the other nominations, but his confirmation was accomplished February 7.<sup>27</sup> The division of the party on the issue was quite interesting. Tilden's party friends were drawn into line in support of Senator Conkling, but his opponents among the democratic senators naturally favored the confirmations, along with the fifteen republicans. Thus when finally summed up, including the pairs, there were twenty-five democrats and fifteen republicans favoring confirmation against seven democrats and twenty-three republicans who opposed confirmation.

Several arguments probably combined to secure victory for the administration. 1. There had been a noticeable improvement in the conduct of the custom-house since the president's appointment of new officers. 2. Disgust was felt at Senator Conkling's reading private letters during his speech. 3. The indignation of many was aroused at the insulting manner in which Conkling had spoken of President Hayes. 4. Many senators,

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<sup>25</sup> *Springfield Republican*, Feb. 4, 1879.

<sup>26</sup> *Ibid.*

<sup>27</sup> *New York World*, Feb. 8, 1879.



especially democrats, thought that the president should be allowed to choose his own subordinates, if there was no good reason of an opposite nature.

The public press, generally, was much elated over the success of the administration. One paper said: "The greatest effort of Conkling's life was made yesterday. The result is the greatest failure of his hitherto singularly fortunate political career."<sup>28</sup> The result was a great surprise to most New Yorkers, for they thought Conkling invincible in the senate. To many republicans, whether friends or foes, the defeat of the arrogant senator was a real relief. The *Springfield Republican*<sup>29</sup> declared:

"The people away from the dust of the conflict see clearly beyond the personal and party effects of the establishment of Collector Merritt in his office. The paramount issue involved was defined in President Hayes' message to the senate: The chief federal officer of the country is elected to stay out of politics, and the exact situation is recognized by Collector Merritt when he promises to devote himself to the business of office. . . . The country accepts the overthrow of Senator Conkling with profound satisfaction and welcomes the fact that President Hayes is sustained, as a wholesome rebuke to machine politics."

The *New York World*<sup>30</sup> said:

"The defeat of Mr. Conkling took him and his friends entirely by surprise. They were not confident of any decided majority, but were quite sure of a victory. . . . The victory of the administration is wholly due to the active efforts of Secretary Sherman. As soon as he learned that his letter read in the executive session on last Friday had not produced a very favorable impression or increased the prospects of a confirmation, he began an active personal canvass and secured nearly every republican senator who had been classified among the doubtful. Just how the promise<sup>31</sup> of their votes was obtained is perhaps a matter of conjecture, but gossip very naturally attributes the promise of a good deal of patronage to the out-going republicans who are to be found on the affirmative side of the roll-call. The democratic senators who spoke or voted in favor of confirmation did so on the ground that nothing was to be gained by the country in restoring the old republican rule, of which Collector Arthur was the head, and that there had been some improvement in the custom-house management under Collector Merritt."

<sup>28</sup> *Springfield Republican*, Feb. 4, 1879.

<sup>29</sup> Feb. 5, 1879.

<sup>30</sup> Feb. 4, 1879.

<sup>31</sup> From Secretary Sherman's "Recollections" (II:683), we learn that, had the nominations failed of confirmation in the session of 1878-79 he would have resigned; he informed his friends in the senate of this decision. It may have had some influence on the outcome.

George William Curtis hailed, as the most notable part of the victory, the fact that,<sup>32</sup>

"The 'courtesy of the senate' was disregarded, and the nominations were confirmed despite the unanimous adverse report of the committee, and the earnest opposition of both the senators from the State. This is a very significant and interesting fact, and one for which every man who wishes to see the rights of each branch of the government duly respected, will be grateful. The senate is bound to consider nominations upon public grounds and not according to the personal wishes of individual senators. If a person nominated can be shown to be unfit for the office or if improper motives for his nomination can be proved the senate ought to object. But if the president desires a change in an office for which he is responsible, the change ought not to be refused because a senator who is not responsible, desires that no change should be made. The action of the senate has restored the practice of considering a nomination upon its merits, and not in its relation to the political fortunes of individual senators."

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<sup>32</sup> *Harper's Weekly*, XXIII, 163 (Mar. 1, 1879).

## CHAPTER V

### HAYES AND CONKLING: THE MEN

The Hayes and Conkling controversy was not nearly so local and narrow in its effects as it may seem. One would, perhaps, be inclined to think from the incident which caused so much trouble, in the political world of Washington and New York, that only the State of New York was vitally interested in the outcome of the contest. But that was not true. The real struggle was between the executive branch of the government on the one hand, and Senator Conkling and his partisans,—merely because they were representatives of the “organization,”—on the other. In utilizing the opportunity offered by the New York incident, President Hayes attacked the whole system of patronage, in that State in which domination through official patronage had the strongest hold on the officials. This system had become surprisingly widespread and powerful throughout the country and all its supporters well understood the motives underlying the New York changes. The result of this struggle meant much to President Hayes. In his letter of acceptance, and in his inaugural address he had pledged himself to civil service reform, and he had conscientiously intended to carry it out. Everyone was demanding the reform of the federal service. The whole country was watching intently to see if any more good would be accomplished than in the preceding administrations, when civil service had been but a perfunctory plank of the party platform. The New York custom-house was a glowing example of a “thing to be reformed,” because of the part its employees played not only in the politics of the State, but also of the nation. Regardless of what the president might accomplish elsewhere, the public demanded a change there; for the civil service reform could not be successful as long as the New York custom-house remained in politics. To President Hayes then, the result would indicate not only the success of his administration, but to a large extent it would be a measure of his personal honor.

From the standpoint of the man who led the opposition



the struggle was one of life or death. On its outcome depended his future public career. As a leader of his faction of the party, Senator Conkling realized, as probably no one else, the effect his defeat would have on that faction. He believed that if the administration triumphed, the doom of the Conkling machine in New York was sealed. All the politicians understood that the removal of the patronage from the hands of the party senators by executive independence in making nominations, was like the removal of the foundation from a building. Senator Conkling, thus, was struggling not only for himself but for the existence of the system which he had helped so ably to bring to the state of efficiency it then enjoyed. One is forced to acknowledge that there was something pathetic in the opposition made by this senator, and there is a sympathy for him even though the right was on the side of the president.

The personal appearance of Mr. Conkling was such as to attract attention. He was of commanding, even magnificent, presence, six feet three inches tall, with regular features, lofty forehead, and piercing eyes. He was blond and gigantic as a viking, "vain as a peacock, and a czar in arrogance."<sup>1</sup> Eugene Newman<sup>2</sup> says in describing him, "add to the figure of an Apollo, and the face of an Adonis, an intellectuality second to none of his day, the steadfast convictions of a fanatic, and a will of iron, and you have Roscoe Conkling." He was graceful of person and always splendidly and tastefully attired.

From early youth Mr. Conkling had studied elocution, training his strong, slightly musical voice, and learning the use of secondary accents, the value of deliberate speech, and the assumption of an impressive earnestness. He acquired but one language, but he was a most perfect master of that. He was, and had been from childhood, a careful student of the best masters of English, and his spare time was spent in reading and study. In poetry he read Byron—his favorite—Macaulay, Scott, and Shakespeare. In prose his study was largely con-

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<sup>1</sup> Breen, M. P., *Thirty Years of N. Y. Politics*, 603.

<sup>2</sup> "Savoyard's Essays": *Roscoe Conkling*, 27.

fined to the speeches of such men as Peel, Pitt, Fox, Burke, and Chatham, though he read a few essays, among them some of Milton's. He is said to have known the Bible from "lid to lid," and he was fond of quoting from it. His speeches are famous for their many quotations, especially from the English poets and the Bible. His powers of memory and of most exacting concentration were marvelous. "Method, order, and arrangement were his triune synonyms, these qualities governed his mental nature as well as the materials with which he worked. . . . Precision in everything was one of the traits that led to his great success in after life."<sup>3</sup>

His remarkable resourcefulness was shown more clearly in his legal career than as a member of congress. His especial ability as a trial lawyer lay in his genius at cross-examination and his masterful summing up of the case before the retirement of the jury. Careful preparation beforehand of not only his court-cases but his speeches probably had much to do with this phase of his efficiency. He possessed a rare gift of sarcasm and ridicule, which he developed to its greatest possibilities, and many times this was the most telling feature of his speaking. The words he used were not exceedingly cutting or effective but the manner of the speaker gave to them any force they may have lacked in themselves.

The entire career of Senator Conkling was characterized by a vigorous determination and tenacity of purpose. He is said to have struggled in many cases for the mere love of the struggle and not because he was working for any particular end. His own words to a friend who had asked him why he was the candidate for the house of representatives in 1858, show this love of conquest: "Because some men object to my nomination. So long as one man opposes me I shall stand for congress."<sup>4</sup>

He was accepted by the members of his party as a leader in the senate because of his ability as an orator, but more, perhaps,

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<sup>3</sup> Conkling, Alfred R., *Life and Letters of Roscoe Conkling*, 20-21, and a communication to the author from Daniel Batchelor.

<sup>4</sup> Newman: "Savoyard's Essays," *Roscoe Conkling*, 17.

because of the system which he represented. To many of the men who supported him, he was personally objectionable, but in him they recognized a man strong in his own state by circumstances and by his own aggressive temperament. He possessed a remarkable ability for organization and a natural gift of leadership, recognized by even his most bitter enemies.

We learn from Andrew D. White<sup>5</sup> that when first elected to the senate in 1868, to succeed Senator Ira Harris, Mr. Conkling was supported by the better class of New York republicans. The senator lost many of his supporters in 1870 when he wrested the control of the New York patronage from Senator Fenton, through securing the appointment of Thomas Murphy as collector of the port of New York. Regardless of the loss of friends by this achievement, he reached the zenith of his power in 1873-74. He was recognized as a "very able congressman, and an adroit politician, in his bossing propensities out-Heroding Herod, the recognized Grant leader, . . . a bold and daring politician of the radical school, . . . developed into a boss of the first magnitude."<sup>6</sup>

Mr. Alexander<sup>7</sup> describes the decline of Senator Conkling's power thus: "The conventions at Cincinnati and Saratoga had thrown the Conkling machine out of gear and while the repair shop kept it running several years longer, it was destined never again to make the same speed it had formerly attained." It was after his power had begun to diminish that the public saw him as Burgess<sup>8</sup> describes him, "arrogant and autocratic, . . . master of sarcasm and invective, shrewd wire-puller and politician, feared by many, loved by few, the right-hand man of President Grant in congress, probably unapproachable with

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<sup>5</sup> *Autobiography*, I, 135. "I had watched his course closely, and one thing especially wrought powerfully with me in his favor. The men who had opposed him were of the same sort with those who had opposed me, and I was proud of their opposition, I felt that he had a right to be so. The whole force of Tammany henchmen and canal contractors throughout the State honored us both with their enmity."

<sup>6</sup> Breen, M. P., *Thirty Years in New York Politics*, 603, 647.

<sup>7</sup> *Pol. Hist. of N. Y.*, III:339.

<sup>8</sup> Burgess, J. W., *Administration of President Hayes*, 30.



money, but unconscionable in the employment of the bribe of office for the maintenance of party organization."

Senator Conkling has been accused of not taking an active interest in those larger problems which were of the most vital importance to the country and thus to the party.<sup>9</sup> It is true that he did not participate in the debate on the army bill or on the Bland-Allison silver bill. He was entirely engrossed in what he considered of greater importance. His every effort was being bent toward the further development and continuation in power of the party machine. It was in this that his greatest interest centered; for on it depended his future control of the senate and the party. The preference thus shown for personal rather than party interests very naturally alienated other supporters from his standard. In speaking of this quality the *Nation*<sup>10</sup> said, "Conkling seems to entertain a sovereign contempt for public business other than that which is discussed in secret."

In the spring of 1878 an incident occurred which injured Mr. Conkling very greatly in the estimation of the public at large. Under the title "Mr. Conkling at Home" the *New York World*<sup>11</sup> published a page article purporting to be the summary of a conversation between the senator and a correspondent of

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<sup>9</sup> *N. Y. World*, Jan. 23, 1879: "Mr. Conkling has been chairman of the Senate Committee on Commerce since March, 1875. Since he assumed that position three written reports, on different bills, referred to that committee have been made to the senate. One of the reports, only, was made by Mr. Conkling and it recommended the passage of an act to change the name of a steamboat called the "Charles W. Mead." A few verbal remarks of no importance have been made by him. Mr. Conkling has had nothing to say on the great subjects which have agitated the 44th and 45th Congresses. He permitted the counting in of Hayes when he was aware, as he told the *World's correspondent* at Utica several months ago, that Hayes was not rightfully elected. Mr. Conkling did not raise his voice against the passage of the silver bill nor against the measure which authorized the reissue of redeemed legal tenders. There is not another senator in Congress who has a more negative record during the past four years than the re-elected senator from New York."

<sup>10</sup> 27:36 (July 18, 1877).

<sup>11</sup> April 17, 1878. The correspondent proved to be John F. Mines, the former editor of the *Utica Republican*, which was started as an organ of Senator Conkling, its chief motive being the destruction of the influence of Ellis Roberts and his paper, the *Utica Herald*.

the *World* at the home of the former in Utica. In the interview Mr. Conkling attacked all things pertaining to the Hayes administration, its supporters, and his, Conkling's, enemies both inside and outside of congress. He furiously attacked the legality of the title of President Hayes to the presidential office he then held; and in short paid off with interest all his political debts. When he saw the article Mr. Conkling denied that he had ever made such statements, but so many of his acquaintances had heard him say just those things that the public was disposed to accept the report as authentic, even though there was a general feeling of disgust. Before the end of the contest between the president and the senator many people agreed with the *World*<sup>12</sup> when it said, "We have no respect whatever for Mr. Conkling as a public man."

Samuel Bowles, the editor of the *Springfield Republican*, in writing to a friend, said of Senator Conkling:<sup>13</sup>

"He lacks the high moral convictions and proportions, and New York politics have made him of questionable political integrity, but his great personal pride and vanity are a shield from personal dishonor. I am afraid that he is doomed to wreck himself on his passion and his prejudices, to ruin because he cannot rule."

Senator Hoar in his *Autobiography*<sup>14</sup> tells us very plainly what his opinion of Mr. Conkling was:

"He was unfit to be a leader of a great party and was sure, if trusted with power, to bring it to destruction. He was possessed of an inordinate vanity. He was unrelenting in his enmities, and at any time was willing to sacrifice to them his party and the interests of the country. He used to get angry with men simply because they voted against him on questions in which he took an interest.<sup>15</sup> . . . His resignation of the office of senator showed how utterly lacking he was in sound political wisdom or in lofty political morality. That a senator of the United States should vacate his own office because he could not control executive patronage was a proceeding not likely to be regarded with much respect by the American people. . . . There was no man of high

<sup>12</sup> April 19, 1878.

<sup>13</sup> Merriam, Geo. S., *Life and Times of Samuel Bowles*, II, 423-4 (a letter to Mrs. Isabella Beecher Hooker written in the summer or autumn of 1877).

<sup>14</sup> 55, 57.

<sup>15</sup> White, A. D., *Autobiography*, I, 88. "Conkling seemed to consider all men who differed with him as enemies of human race."

character and great ability among the leaders of the republican party who retained Conkling's friendship, except Hamilton Fish. He was a man of great wisdom, who understood well the importance to the republican party of avoiding a breach with the powerful senator from New York. Conkling was jealous of all other able men in the republican party in his own State."

Over against the character of Senator Conkling should be placed that of President Hayes of whom Andrew D. White<sup>16</sup> says: "While hardly any president was ever so systematically denounced and depreciated, he was one of the truest and best men who has ever held our chief magistracy." John Sherman<sup>17</sup> says of President Hayes: "Among all the public men with whom I have been brought in contact, I have known none who was freer from personal objection, whose character was more stainless, who was better adapted for the high executive office." The greatest administrative work for which the country is indebted to President Hayes was the reforms instituted in the custom-house at New York.<sup>18</sup> This paper has described fully the reforms accomplished there.

Mr. Hayes entered upon his duties as chief executive under very unpleasant circumstances. He was criticized severely because he accepted the presidency when so many rumors of election frauds were circulating. "He has been stigmatized in the leading newspapers as the 'fraudulent president'; but there has never been the slightest evidence that he had any agency in the alleged frauds by which his election was secured. In the condition of the country then, it would have been his duty to accept even if he had doubted that he was legally elected."<sup>19</sup> In the second place, he was chosen from outside the ranks of the authoritative leaders of the party. This excited the anger of the placemen, and their rage was further aroused by the fact that he made it plain that they could no longer have their own way. "He was assailed more violently by these political enemies than any other president except Andrew Johnson."<sup>19</sup>

<sup>16</sup> White, A. D., *Autobiography*, I, 189.

<sup>17</sup> Sherman, John, *Recollections*, I, 550-1.

<sup>18</sup> Lalor, J. L., (edit.), *Cyclopaedia*, I, 484.

<sup>19</sup> McCulloch, Hugh, *Men and Measures of Half a Century*, 421.



Mr. Hayes had been a successful soldier, a member of congress, three times elected governor of Ohio,—in which office he had shown himself an admirable executive officer,—and his public and private record was beyond question. He was not an aggressive man although firm in his opinions and faithful in his friendships. He was a man of “singularly just and upright mind, of a perfectly tranquil temperament, resolute in opinion but uncertain in action, modestly forbearing and tolerant, . . . but he could readily distinguish between party spirit and patriotism.”<sup>20</sup>

The president’s amiable character, lack of party heat, and conciliatory attitude toward the South, alienated rather than attracted the members of his party in congress. He further disappointed his party by not listening to its leaders in the matter of appointments to office.<sup>21</sup> The members of the party criticized him for “refusing to recognize any obligation to the party whose leaders had made such a fight to secure the electoral votes stolen from Tilden.”<sup>22</sup> Mr. Hayes was not aggressive enough to draw a party of his own about him, and yet he had a character too firm, too self-respecting, too deeply touched with a sense of individual responsibility to accept the advice which his own judgment did not approve.<sup>23</sup>

He was frequently accused of “destroying” the republican party. This was emphasized in regard to party divisions growing out of the New York controversy. Mr. Curtis<sup>24</sup> answered the accusation in a very characteristic way:

“No man, whatever his position,” he said, “can overthrow a great party. Its decline and fall are due to remoter and more vital causes than

<sup>20</sup> *Harper’s Weekly*, XXI, 998 (Dec. 22, 1877).

<sup>21</sup> *Springfield Republican*, Apr. 18, 1878, makes this quotation from the *Boston Transcript*: “Conkling charges Hayes with ‘making the worst set of appointments that ever disgraced the nation.’ Considering the source of the remark, it is the highest praise possible of the selections as a whole.”

<sup>22</sup> Platt, T. C., *Autobiography*, 96.

<sup>23</sup> *Springfield Republican*, Apr. 18, 1878, remarks, “The best joke of the season:—Conkling’s accusing Hayes of having ‘an inordinate conceit of his own powers.’”

<sup>24</sup> *Harper’s Weekly*, XXI, 979 (Dec. 15, 1877).

the official action of any president. . . . No president can destroy a party. If it be united, if it command the confidence of the country, it will smile at his hostility. If on the other hand, it be discontented, if it has lost national support, the reasons of its decline must be sought in the causes of the loss of unity and mutual confidence. This is the present situation. . . . The dissatisfaction was evident three years ago, and the ingenious suggestion that there was no dissatisfaction except the discontent of a few soreheads and impracticables amounts to saying that a few soreheads and impracticables have been able to produce the results that are deplored. There is another consideration which is forgotten by those who are busily accusing the president of destroying the party, . . . if he had faithfully observed the traditions of the past years, . . . if in a word, he had run in all the familiar ruts, there would have been no trouble; the party would have been united, supreme, and invincible, except of course, that there would have been a little pestilent crew of soreheads and reformers and idealists and impracticable fools that must always infest every great party."

Mr. Curtis further showed that the power of the party was severely shaken during President Grant's administration. The extent, he said, to which the republicans had lost public confidence was shown in the result of the election of 1876. "If the new president had begun in the old way, and had shown the country that there would be no change whatever, the republican party would have gone to pieces without a struggle. . . . The president heeded it (the warning of the election of 1876), and if the republican leaders had unselfishly and warmly sustained him, the party would have had a chance for continued supremacy, which was the only chance, and which is now seriously endangered."

The democratic members of congress did not like President Hayes because he seemed to them incapable of frank consistent action. He withdrew the troops from the South, in order that politics there might take their normal course; and yet he appointed the men who had been members of the discredited returning boards to federal offices. The Southerners interpreted these appointments as a consolation for these men in having lost their power when the troops were withdrawn. The president did not receive the credit in the South which he really deserved; for the people there thought they had forced him into a corner where he could do nothing else but withdraw the troops, whereas giving offices to the Southern republicans, such as Anderson,

McLin, and Dennis, was merely an exhibition of what he would have done if he had been given the opportunity to exercise his own wishes.

It has been very common in speaking of President Hayes' administration to call him a "weak man." Mr. Andrews<sup>25</sup> believes this to be an entire error. He said:

"His administration was in every way one of the most creditable in all our history. He had a resolute will, irreproachable integrity, and a comprehensive and remarkably healthy view of public affairs. Moreover he was free from that 'last infirmity,' the consuming ambition which has snared so many able statesmen. He voluntarily banished the alluring prospect of a second term, and rose above all jealousy of his distinguished associates. Never have our foreign affairs been more ably handled than by his secretary of state. His secretary of the treasury triumphantly steered our bark into the safe harbor of resumption. . . . In his appointments as well as his other duties, Hayes acted for himself, with becoming independence even of his cabinet. . . . That Hayes was such men's real, not nominal chief, in naught bedims their fame though heightening his."

When considering the achievements the administration made in civil service reform, one must always keep in mind the fact that congress did not give it any support, but manifested positive and persistent opposition. President Hayes was placed at a disadvantage by having his aims and motives misrepresented. The more ardent supporters of reform were impatient at the slowness with which results were realized; for they failed to see the many difficulties which the president had to overcome.

President Hayes expressed himself as especially opposed to four abuses existing in the civil service when he came into office. 1. Dictatorial interference of congress with the executive responsibility and right of nomination. 2. Interference of office-holders in politics. 3. Extortions of money for election expenses, from the members of the civil service. 4. Arbitrary removals, for reasons wholly unconnected with the public service. By the end of the controversy over the New York custom-house appointments, Mr. Hayes had succeeded in removing all these abuses, to as great an extent as was possible by executive order. Mr. Curtis<sup>26</sup> writing in regard to the reform measures already

<sup>25</sup> Andrews, E. Benjamin, *The U. S. in Our Own Times*, 223.

<sup>26</sup> *Harper's Weekly*, XXIII, 42 (Jan. 18, 1879).



accomplished at that time said: "There is no doubt that congressional dictation has been largely broken up, that there has been very much less official management of politics, that every clerk in the government service feels at liberty to decline to pay election assessments, and that every holder of an office is conscious that faithful official service gives him a security which has been long wanting."

Mr. Williams<sup>27</sup> summed up the situation in saying:

"Considered as a whole the civil service under Mr. Hayes was far more efficient and conscientious in doing the work of the government, was freer from favoritism and was less involved in politics than it had been since the early years of our national life. The civil service never again sank or could sink to so low a level, in tone, in efficiency, in public repute, in pernicious partisan activity, as characterized it in the closing years of General Grant's administration. Only by comparing conditions as Mr. Hayes left them with the conditions he found, alike in the government offices and in the sentiments and expectations of the public mind, can one fairly estimate how much had really been accomplished, both in actual achievement and in preparing the way for the measure of secure and permanent reform that has been attained slowly."

At the close of Hayes' administration, the *Nation*<sup>28</sup> gave an extensive summary of the accomplishments of the four years just closing. The article ends with these two short paragraphs, the truth of which may be readily granted:

"That his administration has been very pure as contrasted with that of his predecessor, there is no doubt. Its freedom from scandals, and the general sweetness of the social atmosphere with which it has surrounded the White House, must give it strong claims on public gratitude.

"It is true that President Hayes leaves behind some good precedents, such as the withdrawal of the New York custom-house and post-office from politics, but it is one of the misfortunes of a president's position, as it is of a clergyman's, that when he sets up as a reformer he cannot afford a single relapse from virtue."

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<sup>27</sup> *Life of Rutherford B. Hayes*, II, 110-1.

<sup>28</sup> XXXII, 144 (Mar. 3, 1881).

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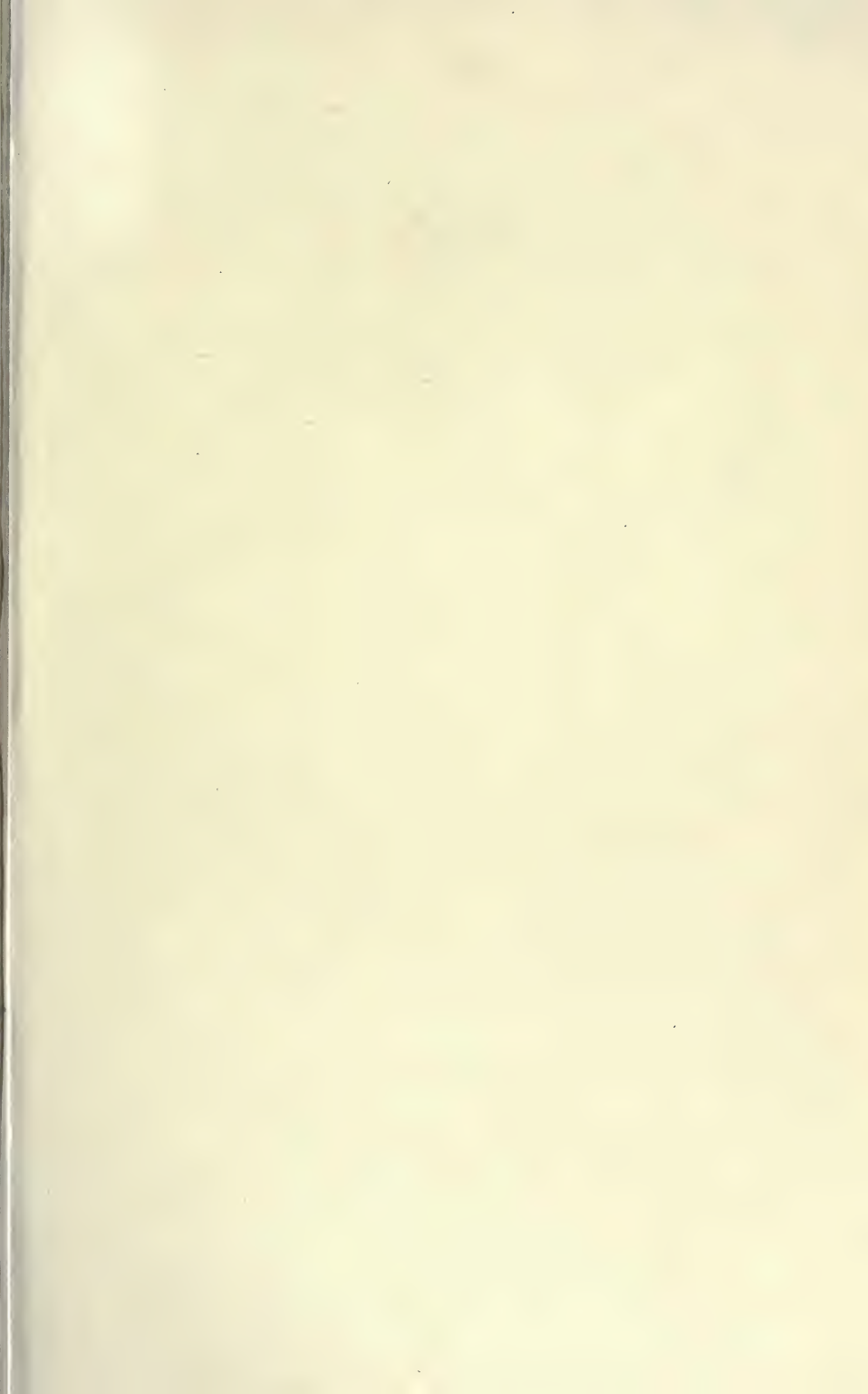
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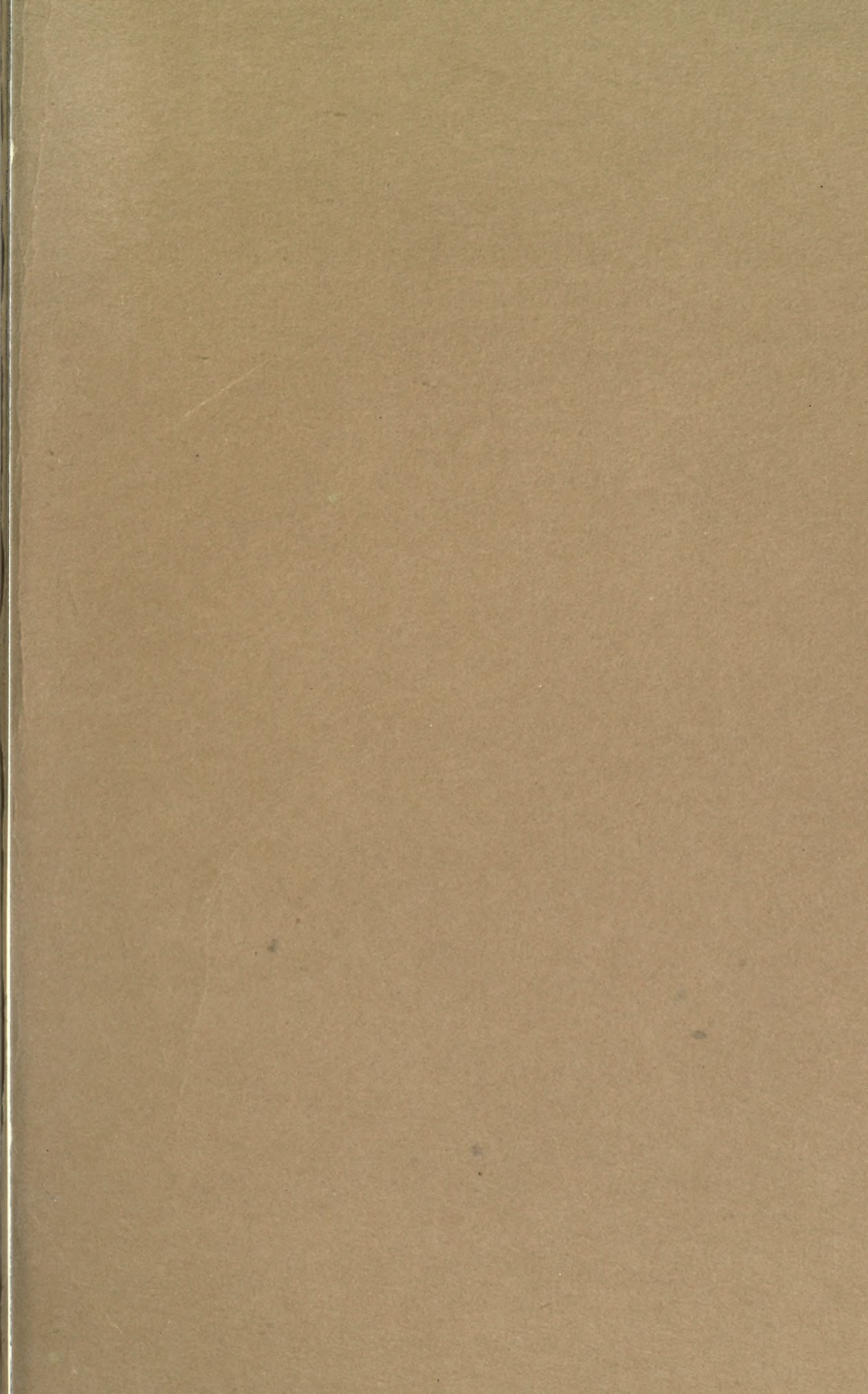
















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